

COBY SHORTER, III
CONFIDENTIAL TRANSCRIPT

8/12/2014

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<p style="text-align: right;">1</p> <p>1 IN THE UNITED STATES DISTRICT COURT 2 FOR THE SOUTHERN DISTRICT OF TEXAS 3 CORPUS CHRISTI DIVISION 4 MARC VEASEY, et al.,) 5 Plaintiff,) 6 VS.) CIVIL ACTION NUMBER: 7 RICK PERRY, et al.,) 2:13-CV-193 (NGR) 8 Defendants.) 9 UNITED STATES OF AMERICA,) 10 Plaintiff,) 11 VS.) CIVIL ACTION NUMBER: 12 TEXAS LEAGUE OF YOUNG VOTERS) 2:13-CV-263 (NGR) 13 EDUCATION FUND, et al.,) 14 Plaintiff-Intervenors,) 15 TEXAS ASSOCIATION OF HISPANIC) 16 COUNTY JUDGES AND COUNTY) 17 COMMISSIONERS, et al.,) 18 Plaintiff-Intervenors,) 19 VS.) 20 STATE OF TEXAS, et al.,) 21 Defendants.) 22 TEXAS STATE CONFERENCE OF) 23 NAACP BRANCHES, et al.,) 24 Plaintiffs,) CIVIL ACTION NUMBER: 25 VS.) 2:13-CV-291(NGR) 26 NANDITA BERRY, et al.,) 27 Defendants.)</p>	<p style="text-align: right;">3</p> <p>1 A P P E A R A N C E S 2 FOR THE UNITED STATES OF AMERICA: 3 Jennifer Maranzano 4 U.S. JUSTICE DEPARTMENT 5 CIVIL RIGHTS DIVISION 6 Room 7254 NWB 7 950 Pennsylvania Avenue, N.W. 8 Washington, D.C. 20530 9 (202) 514-0828 10 jennifer.maranzano@usdoj.gov 11 12 FOR THE NAMED DEFENDANTS AND THE WITNESS: 13 John Scott 14 Assistant Deputy Attorney General 15 ATTORNEY GENERAL OF TEXAS 16 P.O. Box 12548 17 Austin, TX 78711-2548 18 (512) 475-3281 19 john.scott@texasattorneygeneral.gov 20 21 Rowe Jackson 22 General Counsel 23 Texas Secretary of State's Office 24 25</p>
<p style="text-align: right;">2</p> <p>1 BELINDA ORTIZ, et al.,) 2 Plaintiffs,) 3 VS.) CIVIL ACTION NUMBER: 4 STATE OF TEXAS, et al.,) 2:13-CV-348(NGR) 5 Defendants.) 6 7 8 ***** 9 10 DEPOSITION OF 11 COBY SHORTER, III 12 AUGUST 12, 2014 13 ***** 14 15 HIGHLY CONFIDENTIAL 16 17 ORAL DEPOSITION OF COBY SHORTER, III, produced as a 18 witness at the instance of the Plaintiff, was duly 19 sworn, was taken in the above-styled and numbered cause 20 on the AUGUST 12, 2014 from 9:05 a.m. to 2:01 p.m., 21 before Chris Carpenter, CSR, in and for the State of 22 Texas, reported by machine shorthand, at the Office of 23 the Attorney General, 209 West 14th Street, Austin, TX 24 78701, pursuant to the Federal Rules of Civil Procedure 25 and the provisions stated on the record or attached hereto.</p>	<p style="text-align: right;">4</p> <p>1 INDEX 2 Appearances.....2 3 COBY SHORTER, III 4 Examination by Ms. Maranzano.....6 5 Signature and Changes.....192 6 Reporter's Certificate.....193 7 8 EXHIBITS 9 10 NO. DESCRIPTION PAGE MARKED 11 1 SB 362 as Introduced in the Senate 31 12 2 Excerpt from Committee of the Whole 34 13 Transcript, March 10, 2009 14 3 Excerpt from Senate Journal, March 18, 2009 35 15 4 SB 14 46 16 5 FAQs - Implementation of SB 14 50 17 6 January 24, 2011 e-mail 55 18 7 Excerpt from Committee of the Whole 69 19 Transcript, Jan. 25, 2011 20 21 8 E-mail chain 75 22 23 9 E-Mail, Feb. 25, 2011 and Attachments 93 24 25 10 Excerpt of Texas House of Representatives 98 Select Committee on Voter Identification and Voter Fraud Hearing Transcript, March 1 2011 21 E-Mail, April 8, 2011 102 22 E-Mail, April 20, 2011 105 23 Memorandum of Understanding 118 24 E-Mail, Oct. 16, 2013 and Attachment 128 25</p>

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<p style="text-align: right;">6</p> <p>1 COBY SHORTER, III</p> <p>2 having been first duly sworn to testify the truth, the</p> <p>3 whole truth, and nothing but the truth, testified as</p> <p>4 follows:</p> <p>5 EXAMINATION</p> <p>6 BY MS. MARANZANO:</p> <p>7 Q. Good morning.</p> <p>8 A. Good morning.</p> <p>9 Q. My name is Jennifer Maranzano. I'm</p> <p>10 representing the United States in this matter. Can you</p> <p>11 please state your name for the record?</p> <p>12 A. My name is Coby Shorter, III.</p> <p>13 Q. Mr. Shorter, do you understand you've been</p> <p>14 placed under oath today?</p> <p>15 A. Yes, ma'am.</p> <p>16 Q. Is there any reason why you cannot testify</p> <p>17 truthfully, accurately and completely today?</p> <p>18 A. No, ma'am.</p> <p>19 Q. Thank you. Have you discussed your testimony</p> <p>20 with anybody, your testimony in this deposition?</p> <p>21 MR. SCOTT: Preparation, you mean?</p> <p>22 Q. (By Ms. Maranzano) No. Apart from your</p> <p>23 lawyers, have you discussed the fact that you are being</p> <p>24 deposed with anybody?</p> <p>25 A. No, no, ma'am.</p>	<p style="text-align: right;">8</p> <p>1 Q. What positions?</p> <p>2 A. Hmm, I've worked at the Department of</p> <p>3 Agriculture doing economic development work. That goes</p> <p>4 back. Let's see. I've worked in the Office of the</p> <p>5 Governor as director of agriculture and environmental</p> <p>6 policy or agriculture and conservation. That was during</p> <p>7 the Bush administration. I have worked as the Deputy</p> <p>8 Director of -- Deputy Director of Governmental</p> <p>9 Appointments in the Office of the Governor, Governor</p> <p>10 Perry. And I've served here as Deputy Secretary since</p> <p>11 2007.</p> <p>12 Q. Is your position with the Secretary of State an</p> <p>13 appointed position?</p> <p>14 A. It is appointed by the Secretary of State.</p> <p>15 Q. And which Secretary of State appointed you?</p> <p>16 A. I was initially appointed by Secretary Phil</p> <p>17 Wilson, and I have served -- he was the initial</p> <p>18 appointment.</p> <p>19 Q. Do you -- do you get reappointed each time</p> <p>20 there's a new Secretary?</p> <p>21 A. The Secretary decides who'll be the deputy, and</p> <p>22 they've -- each one since him has asked me to continue</p> <p>23 to serve.</p> <p>24 Q. I see. Prior to be appointing Deputy Secretary</p> <p>25 of State, did you have any background in election</p>

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<p style="text-align: right;">9</p> <p>1 administration or election policy?</p> <p>2 A. What do you mean specifically?</p> <p>3 Q. Have you done any work related to elections or</p> <p>4 administering elections?</p> <p>5 A. No, ma'am. Are you referring specifically like</p> <p>6 to election work or -- or --</p> <p>7 Q. Yeah, I mean -- I mean, planning elections,</p> <p>8 running elections, being involved in overseeing</p> <p>9 elections.</p> <p>10 A. From a governmental perspective?</p> <p>11 Q. From any perspective.</p> <p>12 A. Well, I mean, I have -- I've participated in</p> <p>13 electoral process, but in terms of working administering</p> <p>14 elections, like I do -- well, like the Office of the</p> <p>15 Secretary of State's Office does, no, ma'am.</p> <p>16 Q. Okay. Have you been involved in campaigns?</p> <p>17 A. Yes, ma'am.</p> <p>18 Q. Okay. And what other -- what other work have</p> <p>19 you been involved in when you say you've been involved</p> <p>20 in the electoral process?</p> <p>21 A. Well, my initial job, the one that I forgot</p> <p>22 about since I -- before I came to Austin, I worked for</p> <p>23 U.S. Senator Phil Gramm, and I worked on his campaign</p> <p>24 staff.</p> <p>25 Q. Okay. Any other --</p>	<p style="text-align: right;">11</p> <p>1 somewhere down the road. I can't specifically remember</p> <p>2 a specific active course, no, ma'am.</p> <p>3 Q. A computer science course somewhere in your</p> <p>4 education --</p> <p>5 A. Going to high school or something like that. I</p> <p>6 don't -- as an ag economics major, I don't recall -- and</p> <p>7 it's been 20-plus years ago, I don't recall a specific</p> <p>8 computer IT course. I don't have an IT background.</p> <p>9 Q. Okay. I understand. The Secretary of State is</p> <p>10 the chief elections officer for the state, correct?</p> <p>11 A. That is correct.</p> <p>12 Q. And you're the second in charge after the</p> <p>13 Secretary of State?</p> <p>14 A. I'm -- yes, I am.</p> <p>15 Q. What are your specific responsibilities with</p> <p>16 regard to elections in Texas?</p> <p>17 A. Well, my specific responsibilities are to make</p> <p>18 sure that the elections director and the division have</p> <p>19 the resources that they need to do their job.</p> <p>20 Q. Do you -- do you mean monetary resources?</p> <p>21 A. Monetary resources, computers, make sure --</p> <p>22 office space, personnel. I do operations, mainly</p> <p>23 operations work within the agency.</p> <p>24 Q. Do you primarily with regard to elections</p> <p>25 oversee the director of elections?</p>
<p style="text-align: right;">10</p> <p>1 A. That was prior to coming to -- that was prior</p> <p>2 to coming to Austin. I had forgotten about that.</p> <p>3 Q. Okay.</p> <p>4 A. That was between my first job, and that was my</p> <p>5 second job.</p> <p>6 Q. Have you worked on any other campaigns?</p> <p>7 A. Worked? When you say worked, like?</p> <p>8 Q. Worked in any capacity, volunteered, been</p> <p>9 involved in?</p> <p>10 A. Well, I volunteered.</p> <p>11 Q. And what campaigns are those?</p> <p>12 A. I volunteered for the Governor when he was</p> <p>13 running for agriculture commissioner and -- and</p> <p>14 Governor.</p> <p>15 Q. Have you ever served as a poll worker?</p> <p>16 A. No, ma'am.</p> <p>17 Q. Can you briefly describe your educational</p> <p>18 background?</p> <p>19 A. Yes, ma'am. I have a bachelor's of science</p> <p>20 from Texas A&M University. I graduated in 1989, and I</p> <p>21 have a master's of art from and Christian leadership</p> <p>22 studies from Liberty University Seminary.</p> <p>23 Q. Do you have any coursework or experience in IT</p> <p>24 issues?</p> <p>25 A. No more than probably a computer science course</p>	<p style="text-align: right;">12</p> <p>1 A. What do you mean by primarily?</p> <p>2 Q. Well, you said your -- I think you said your</p> <p>3 main job with regard to elections was making sure the</p> <p>4 director of elections had appropriate resources. So are</p> <p>5 you involved mostly at the level of overseeing the</p> <p>6 director of elections?</p> <p>7 A. Yes.</p> <p>8 Q. Okay. How closely do you work with the</p> <p>9 Secretary of State on his responsibilities?</p> <p>10 A. Well, I'm -- I work very closely with the</p> <p>11 Secretary of State. The Secretary of State does not</p> <p>12 work exclusively with me. The Secretary does have</p> <p>13 access to visit with the division directors his or</p> <p>14 herself.</p> <p>15 Q. And does the director of elections report</p> <p>16 directly to you?</p> <p>17 A. Yes.</p> <p>18 Q. Does the elections director administer any</p> <p>19 programs directly related to voters?</p> <p>20 A. Well, the Secretary -- the director of</p> <p>21 elections, the elections division within our agency is</p> <p>22 the one that works with the counties to uniformly apply</p> <p>23 elections in the state of Texas.</p> <p>24 Q. Does the elections director do any work like</p> <p>25 voter registration drives or outreach to military and</p>

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<p style="text-align: right;">13</p> <p>1 oversees voters or other programs that are directly 2 working with voters in the state? 3 A. Well, when you -- I'm -- I'm really not 4 understanding your -- your question. Could you ask me 5 again? 6 Q. Sure. Sure. Let me see if I can clarify. Are 7 there programs that the elections director works on that 8 are -- that are geared towards working directly with the 9 Texas voters such as conducting voter registration 10 drives or other activities like that? 11 A. Well, the elections director himself does not 12 put those type of activities on. We are, as an agency, 13 we are aware of those type of activities that go on, but 14 in terms of the office actually putting on a voter 15 registration drive from the Secretary of State's Office, 16 I'm not aware of that happening. Because we have such a 17 close working relationship with those individuals that 18 do those things, we are aware when those -- when those 19 type of activities happen. 20 Q. I see, but those -- when you say you have such 21 a close relationship with the individuals who do those 22 things, those are not individuals in your office, 23 correct? 24 A. Correct. 25 Q. Okay.</p>	<p style="text-align: right;">15</p> <p>1 A. Well, most of the people that contact our 2 office about elections-related issues contact the actual 3 elections division. If the elections division feels 4 that it's something that I need to be made aware of, 5 they share it with me, but most of the contact is 6 through the process that the elections division itself 7 has in place on how they interact with the counties and 8 different groups. 9 Q. Okay. So the feedback that you're getting 10 mostly comes through the elections division? 11 A. Yes, ma'am, unless someone decides to provide 12 it individually, and that's very rare. 13 Q. Okay. Individually, you mean to you? 14 A. Correct. 15 Q. Okay. Do you have a role in appointing others 16 in the Secretary of State's Office? 17 A. Appointing in terms of hiring employees? 18 Q. Uh-huh. 19 A. Yes, ma'am. 20 Q. And what is that role? 21 A. Any individual who is hired within the 22 Secretary of State's Office, once the division itself 23 has made a selection, I'm the individual who signs the 24 paperwork for the executive division on that individual 25 being hired, based on the recommendation from the</p>
<p style="text-align: right;">14</p> <p>1 A. Or a relationship. I -- it's probably not -- I 2 can't say whether -- we know who those people are. 3 Q. What steps, if any, do you take to ensure that 4 the elections programs are being run effectively in your 5 office? 6 A. I periodically meet with the director of 7 elections, as well as other division heads, for them to 8 keep me apprised of what's going on in their respective 9 divisions. 10 Q. And how do you measure success of 11 election-related programs? 12 A. Well, feedback from the staff, feedback from 13 the Legislature, feedback from constituents, and making 14 sure that the overall process that is in place for 15 elections in the state of Texas is successful. You 16 know, we get through an election cycle and everything, 17 all the votes are counted, all of the issues are 18 addressed, and we prepare for the next election, making 19 sure that the staff has the resources to do that. 20 Q. How do you tend to get feedback from 21 constituents, legislators, staff? 22 A. Well, what do you mean? 23 Q. Do you -- do you have any sort of formal 24 process by which you solicit feedback or is it more 25 people might contact you and let you know and --</p>	<p style="text-align: right;">16</p> <p>1 division. 2 Q. And the division you're talking about, is the 3 elections division? 4 A. The elections division or any division. 5 Q. I see. Okay. Were you involved in hiring 6 Mr. Ingram or appointing Mr. Ingram to be the director 7 of elections? 8 A. Yes, ma'am. 9 Q. And what was your role in that? 10 A. My role was interviewing, assisting with the 11 interviewing and providing information to the Secretary 12 so that a final decision could be made. 13 Q. What -- what were -- well, did you ask 14 Mr. Ingram to apply for that position? 15 A. I don't recall asking him. I think there were 16 several people that were -- that he was -- there were 17 several people that were interested in the position. 18 It's been a while since he actually applied, but I knew 19 he had an interest in the -- in the subject area. 20 Q. Uh-huh. 21 A. And I can't recall if I actually asked him, 22 asked him to apply, but when he -- when he applied for 23 the -- when he expressed his interest, we made sure that 24 he was able to visit with the actual Secretary so that a 25 decision could be made.</p>

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<p style="text-align: right;">17</p> <p>1 Q. Who made sure he was able to visit with the 2 actual Secretary? Did you say we made sure he was able? 3 A. When I say we, myself. 4 Q. Okay. 5 A. The secretary who does scheduling, we made sure 6 that he was able to visit with the Secretary as -- as 7 with other candidates. 8 Q. Okay. What were the qualifications about -- 9 what were the qualifications that Mr. Ingram possessed 10 that led you to believe he would be a good director of 11 elections? 12 A. Hmm, like I say, it's been a while ago, but he 13 seemed to have a good understanding of -- of -- good 14 experience as an attorney. We felt that, based on the 15 individual who had served before, having a legal 16 background was important. And seemed to have a passion 17 for election-related ideas and activities. Seemed to 18 really grasp the concepts of election law. Not saying 19 that he was an expert at that time, but he understood -- 20 he appeared to understand how to work through election 21 law enough to understand if I don't know it now, I know 22 how to -- I know how to become a quick study. Well, he 23 was a quick study. 24 Q. Do you recall if prior to his role as director 25 of elections he had a background in election</p>	<p style="text-align: right;">19</p> <p>1 A. What do you mean by technical fixes? 2 Q. If there's something in the law that doesn't 3 quite work when you administer elections, do you suggest 4 to the Legislature that they change sort of, not a 5 substantive change, but more of a technical change? 6 A. I don't within the agency, but our staff works 7 with the Legislature on technical issues if there's a 8 need for a technical change. 9 Q. And would that staff be the direct -- the 10 people within the elections division? 11 A. Yes, ma'am. 12 Q. Primarily? 13 A. (Witness nods head yes.) 14 Q. If a legislator intends to introduce an 15 election-related bill, does that person usually confer 16 with your office? 17 A. At -- probably at some point, I'm not really 18 sure where that -- where in the process, because they 19 don't deal directly with me. 20 Q. Do they do that primarily with the director of 21 elections? 22 A. I would say primarily and with our legal 23 counsel in our office. 24 Q. Do you -- do you know what that conferring is 25 generally about? I know you just said you don't usually</p>
<p style="text-align: right;">18</p> <p>1 administration or election policy or he had done 2 election-related work? 3 A. Well, I don't recall the specific things that 4 he had. 5 Q. Uh-huh. 6 A. I knew that he had an interest in election 7 policy. 8 Q. Do you recall if he had any experience or 9 education in IT? 10 A. I don't recall if he had experience in IT. 11 Q. Okay. What, if any, is your role in the 12 development of election-related legislation? 13 A. My role? 14 Q. Uh-huh. 15 A. Little to none. 16 Q. What is the role of the Secretary of State's 17 Office? 18 A. We are -- the Secretary of State's Office as it 19 relates to legislation for Texas, for the Texas 20 legislation? 21 Q. Yes, but election-related? 22 A. Election-related? We are a resource. We are a 23 resource to the Legislature. 24 Q. Do you -- do you also suggest technical fixes 25 to the election code or to laws related to elections?</p>	<p style="text-align: right;">20</p> <p>1 do it yourself. Do you have conversations as to what 2 usually happens during that conferral, like with whether 3 it's about implementing the bill, if the bill -- well, 4 let me just ask you first: Do you -- do you have any 5 knowledge of what happens substantively during those 6 conferrals? 7 A. No, ma'am, unless the staff comes and shares it 8 with me. I mean, they meet. I have the confidence in 9 the staff that they have been doing this for a long 10 time, and if it's something that rises to the level that 11 the Secretary needs to know about it, they'll share it 12 with me. But you know, technical issues and other 13 things, they -- they are professional enough, and we 14 have that type of confidence in them as a staff that 15 they can deal with the Legislature on those issues. 16 Q. I guess what I'm wondering is do legislators 17 often confer with the -- with the Office of the 18 Secretary of State about how to implement a bill, would 19 that be one of the things that they're conferring about, 20 an elections-related bill? 21 A. When you say how to implement? 22 Q. In terms of after the bill is passed, how the 23 Secretary of State would go about implementing it, 24 putting it into action? 25 A. I'm quite sure those -- those conversations are</p>

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<p style="text-align: right;">21</p> <p>1 had.</p> <p>2 Q. Do legislators also talk to the Office of the</p> <p>3 Secretary of State about whether the bill conflicts with</p> <p>4 any other election regulations or election laws?</p> <p>5 MR. SCOTT: Objection, form, speculation,</p> <p>6 vague. You can answer.</p> <p>7 Q. (By Ms. Maranzano) You can answer if you know.</p> <p>8 A. I don't know.</p> <p>9 Q. Okay. Is there one Senate committee that --</p> <p>10 that your office works closely with on election-related</p> <p>11 bills?</p> <p>12 A. I think most of the -- on the Senate side?</p> <p>13 Q. Uh-huh.</p> <p>14 A. I think most of the Senate bills go through</p> <p>15 State Affairs.</p> <p>16 Q. Do you know who on that committee you usually</p> <p>17 interact with?</p> <p>18 A. Who I interact with?</p> <p>19 MR. SCOTT: Objection, form, vague,</p> <p>20 time. You can answer.</p> <p>21 Q. (By Ms. Maranzano) The name of the committee</p> <p>22 staff.</p> <p>23 A. I don't know.</p> <p>24 Q. You don't have interactions yourself?</p> <p>25 A. No, ma'am.</p>	<p style="text-align: right;">23</p> <p>1 make. It would be a determination that the ones doing</p> <p>2 this whatever research would, whether or not what they</p> <p>3 found needed to be shared with someone.</p> <p>4 Q. And in terms of since we're talking about</p> <p>5 legislation, would this be if the Secretary of State's</p> <p>6 Office conducted research on proposed legislation, would</p> <p>7 they share it with the Legislature?</p> <p>8 MR. SCOTT: Objection, form, vague.</p> <p>9 A. I mean, I --</p> <p>10 Q. (By Ms. Maranzano) Do you not have personal</p> <p>11 knowledge of what I'm asking?</p> <p>12 A. Not -- not extensively, no, ma'am. I'm really</p> <p>13 not understanding --</p> <p>14 Q. Okay.</p> <p>15 A. -- what you're asking.</p> <p>16 Q. Okay. Do you monitor the Legislature's</p> <p>17 deliberation on -- deliberations on election-related</p> <p>18 laws?</p> <p>19 A. No, ma'am.</p> <p>20 Q. Do you testify on some of the election-related</p> <p>21 bills?</p> <p>22 A. I have had to testify only one time.</p> <p>23 Q. And what were the circumstances of that time?</p> <p>24 A. The circumstances were, I think it was back in</p> <p>25 2009, there was a Senate Committee of the Whole, which</p>
<p style="text-align: right;">22</p> <p>1 Q. Is there a committee on the House that your</p> <p>2 office usually works with on election-related bills?</p> <p>3 A. House elections.</p> <p>4 Q. Does the Secretary of State's Office ever</p> <p>5 conduct research on proposed legislation related to</p> <p>6 elections on its own initiative?</p> <p>7 A. What type of research?</p> <p>8 Q. Any type of research?</p> <p>9 MR. SCOTT: Objection, form.</p> <p>10 A. I would have to defer to the elections director</p> <p>11 on what type of research he does.</p> <p>12 Q. (By Ms. Maranzano) Is it your understanding</p> <p>13 that at times there is research done on proposed</p> <p>14 legislation of the Secretary of State's own initiative,</p> <p>15 not in response to a request but --</p> <p>16 A. Well, our elections staff worked to be informed</p> <p>17 on the issues.</p> <p>18 Q. And would that research be shared with anybody?</p> <p>19 A. I guess if they deem a need for it to be</p> <p>20 shared.</p> <p>21 Q. How would you determine if it needed to be</p> <p>22 shared?</p> <p>23 A. How would I determine?</p> <p>24 Q. Uh-huh.</p> <p>25 A. It wouldn't be a determination that I would</p>	<p style="text-align: right;">24</p> <p>1 all the Senators were there, and the request was for the</p> <p>2 Secretary to testify, and the Secretary was not</p> <p>3 available to serve as the resource witness, so in the</p> <p>4 Secretary's absence, I had to serve as the resource</p> <p>5 witness.</p> <p>6 Q. When your office testifies, either you or the</p> <p>7 director of elections or the Secretary, do you always</p> <p>8 testify as resource witnesses?</p> <p>9 MR. SCOTT: Objection, form.</p> <p>10 A. Yes.</p> <p>11 Q. (By Ms. Maranzano) What is a resource witness?</p> <p>12 A. We provide -- we provide information as asked.</p> <p>13 Q. Do you -- do you believe it's important for the</p> <p>14 public to have information about the impact of a bill</p> <p>15 when that bill is pending?</p> <p>16 MR. SCOTT: Objection, form, vague.</p> <p>17 Q. (By Ms. Maranzano) Do you understand?</p> <p>18 A. Not really. I mean --</p> <p>19 Q. If a -- if a piece of legislation is pending in</p> <p>20 the Legislature, do you think it's important for the</p> <p>21 public to have information about the possible impact of</p> <p>22 that bill?</p> <p>23 MR. SCOTT: Objection, form. I think it's</p> <p>24 argumentative. It assumes facts -- assumes facts and</p> <p>25 vague. You can answer if you can.</p>

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<p style="text-align: right;">25</p> <p>1 A. Whatever the -- I think an agency should give 2 the best information they can. 3 Q. (By Ms. Maranzano) Do you believe that the 4 best available analysis of the impact of legislation 5 should be made public? 6 MR. SCOTT: Objection, form, assumes 7 facts, vague and argumentative. Go ahead. 8 A. Say it again. 9 Q. (By Ms. Maranzano) Do you believe that the 10 best available analysis of the impact of legislation 11 should be made public? 12 MR. SCOTT: Same objection. Plus 13 speculation. 14 A. I mean, I -- if you have -- I -- that's what 15 we've always tried to do. 16 Q. (By Ms. Maranzano) Before Texas started to 17 enforce SB 14, was there a method for determining a 18 voter's identity at the polls? 19 A. Well, you had your voter registration card or 20 if you didn't use it, you could use your -- your -- I 21 mean, your other forms of ID like your driver's license 22 to actually vote. 23 Q. And before Texas started to enforce SB 14, if a 24 voter appeared without a voter registration card or one 25 of the other forms of ID, could the voter nevertheless</p>	<p style="text-align: right;">27</p> <p>1 that true? 2 A. Yes. 3 Q. Is there any particular hotline that gets run 4 on election days if voters are having a problem? 5 A. Well, it's that same 800 number, if I 6 understand -- if I remember correctly, but there are -- 7 it's manned by multiple individuals. 8 Q. Do you know how many calls or approximately how 9 many calls came in during the 2013 election? 10 A. No, ma'am, I don't. 11 Q. Have you had any discussions with counties 12 about whether or not they run voter hotlines on election 13 days? 14 A. None that I can recall. 15 Q. Do you have any awareness of whether counties 16 run hotlines on election days? 17 A. Well, the counties -- counties do share with 18 our office various issues that come up on election 19 days. The actual systems that the counties have in 20 place, I'm not personally aware of them, but there is -- 21 there is some type of mechanism. I don't know 22 specifically what it is. 23 Q. When voters have -- have problems or run into 24 issues on election day, are they most likely to usually 25 contact their county election official?</p>
<p style="text-align: right;">26</p> <p>1 cast a ballot? 2 A. Probably provisionally. 3 Q. Do you know what -- in what circumstances that 4 provisional ballot would be counted? 5 A. Ma'am, I would have to defer to the elections 6 staff to tell you that. 7 Q. Okay. Are you aware of any problems with that 8 system prior to the enforcement of SB 14? 9 A. I would have to -- 10 MR. SCOTT: Objection, form, overly broad. 11 A. Election staff would have to share that with 12 you. 13 Q. (By Ms. Maranzano) Does the Secretary of State 14 run a voter hotline? 15 A. We have -- I wouldn't actually call it a -- I 16 don't know if you call it a hotline. We have an 800 17 number where voters can call to get questions answered. 18 Q. Did you -- did you run that hotline during the 19 2013 election? 20 MR. SCOTT: Objection, form, vague. 21 A. The -- what do you mean, did I personally run 22 it? 23 Q. (By Ms. Maranzano) No, I'm sorry, your office. 24 A. Well, the 800 number has been available. 25 Q. So the 800 number is available regularly; is</p>	<p style="text-align: right;">28</p> <p>1 A. I -- I don't know. 2 Q. It's certainly possible that voters have 3 problems on election day and don't contact the office of 4 the Secretary of State, right? 5 A. I don't know that either, ma'am. 6 Q. Are you familiar with the concept of a Spanish 7 surname analysis? 8 A. Yes, ma'am. 9 Q. What is that? 10 A. It's data that's provided to our office that 11 gives names by the Hispanic surnames. 12 Q. And is that data compiled by the -- the U.S. 13 census bureau? 14 A. I can't remember the exact agency that provides 15 it to us, but it is provided to us by some outside 16 agency. 17 Q. Okay. And have you ever used that list and 18 compared it against the list of registered voters as a 19 proxy for determining the number of registered voters 20 who are Hispanic? 21 A. Well, I know our office has looked and that, 22 but we also looked at the fact that the Hispanic surname 23 in itself is not a good indicator of -- of an ethnicity. 24 Q. And why is it not a good indicator of 25 ethnicity?</p>

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8 (Pages 29 to 32)

<p style="text-align: right;">29</p> <p>1 A. There are cases in the state of Texas where 2 individuals have Hispanic surnames and they're not 3 actually Hispanic. 4 Q. Are you familiar with a list of omission and a 5 list of commission that goes along with the list of 6 Spanish surnames? 7 A. No, ma'am. 8 Q. So you -- you haven't used the omission and 9 commission rates when you've done the -- 10 A. I don't know what the process has been itself 11 within our office. 12 Q. Okay. 13 A. Directly. 14 Q. How often has the office of the Secretary of 15 State conducted a Spanish surname analysis, by which I 16 mean what we talked about? 17 A. I would have to ask the elections division to 18 give that. 19 Q. Do you think it's fair to say that they do it 20 regularly? 21 A. I would say that it's done every time that the 22 data is provided to the office. 23 Q. Do you have any sense of how often you get the 24 data? 25 A. Right offhand, ma'am, I -- I don't know</p>	<p style="text-align: right;">31</p> <p>1 be. 2 Q. Do you consider Spanish surname analyses to be 3 a routine method of analysis in your office? 4 MR. SCOTT: Objection, form, vague. 5 A. I -- I don't know how routinely it is done. 6 Q. (By Ms. Maranzano) You don't have any sense? 7 A. As I said before, when it's provided to -- when 8 the data is provided to the office, I know that our 9 office does it as they are required to do it. 10 Q. If the Secretary of State's Office needed 11 information about the racial and ethnic demographics of 12 registered voters, is the Spanish surname analysis the 13 best method to determine that? 14 A. I'm not the person that would be able to tell 15 you this. 16 Q. Who would be able to answer that? 17 A. I don't know. 18 Q. Okay. Are you familiar with SB 362 that was 19 introduced by Senator Fraser in 2009? 20 A. Are you referring to the Voter ID bill -- 21 Q. Yes. 22 A. -- of 2009? If that's the one that I was -- I 23 testified on, I'm vaguely familiar with it. 24 Q. Okay. 25 (Exhibit 1 marked for identification.)</p>
<p style="text-align: right;">30</p> <p>1 specifically without -- 2 Q. Do you know -- 3 A. -- without looking at the information. 4 Q. Do you know -- well, strike that. 5 Have you done Spanish surname analysis -- 6 analyses for preclearance submissions? 7 A. I would defer that to our director of elections 8 as to what -- what they've -- what the division has 9 actually done. 10 Q. You don't know if they've done those for 11 redistricting commissions, for example? 12 A. Personally, I don't know. 13 Q. Okay. Did you -- did you discuss the 14 preclearance submissions with the director of elections 15 when those would get submitted to the Department of 16 Justice? 17 MR. SCOTT: Objection, form, vague. 18 A. I'm quite sure they made me aware of them, but 19 the specifics, what they were doing with a specific 20 deal, they wouldn't necessarily go into great detail 21 with me. 22 Q. (By Ms. Maranzano) You do -- do you consider 23 your IT department to be knowledgeable on how to deal 24 with one of these Spanish surname analysis? 25 A. As knowledgeable as -- as they possibly could</p>	<p style="text-align: right;">32</p> <p>1 Q. (By Ms. Maranzano) Mr. Shorter, I'm showing 2 you what we've marked as Deposition Exhibit 1. 3 A. Okay. 4 Q. Do you recognize this? 5 A. I -- I recognize that it's a bill, but 6 recognizing its specific content -- 7 Q. I'll represent to you that this is a copy of SB 8 362 as it was introduced in the Senate. Is this the 9 bill that you testified on in the Senate? 10 A. It appears to be, ma'am. 11 Q. Did you have any role in the development of 12 this bill? 13 A. No, ma'am. 14 Q. Did you -- did you testify once on this bill or 15 more than once? 16 A. One time. 17 Q. Do you recall the date? 18 A. It was around March the 10th or 11th. 19 Q. And I believe you testified earlier that you 20 were -- you testified as a resource witness? 21 A. Yes. 22 Q. Did you prepare prior to serving as a resource 23 witness? 24 A. I had staff available to -- to give me 25 information that I would potentially need to possibly</p>

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9 (Pages 33 to 36)

<p style="text-align: right;">33</p> <p>1 answer some of the questions, you know, but extensive 2 preparation, I didn't, you know -- I found about my -- 3 the desire for the committee to have me or the Secretary 4 to testify the day before or probably the 8th or 9th or 5 somewhere around there, of March, and staff -- staff 6 gave me information that I would potentially need to 7 answer potential questions that would -- that may come 8 up. 9 Q. Did you talk to any legislators before you 10 testified about 362, SB 362? 11 A. No more than the bill sponsor asking, when I 12 got there, asking me to represent the Secretary of 13 State's Office. 14 Q. Did the bill sponsor, was he the person who 15 invited the Secretary of State to testify? 16 A. I don't remember who actually made the 17 invitation. 18 Q. Okay. And when you were testifying on SB 362, 19 did you take the position for or against the bill? 20 A. No, ma'am. 21 Q. Did several senators ask you questions about SB 22 362 during your testimony? 23 A. It's been so long ago. I remember them asking 24 some hypothetical issues that could potentially come 25 up. Even though I stayed there for a while, I didn't --</p>	<p style="text-align: right;">35</p> <p>1 you'll follow up with her? 2 A. Uh-huh. 3 Q. Do you recall that you sent her a letter 4 following up on this inquiry? 5 A. I recall that our staff prepared a letter for 6 my signature. 7 Q. All right. 8 MS. MARANZANO: If you'll mark this. 9 (Exhibit 3 marked for identification.) 10 A. Okay. 11 Q. (By Ms. Maranzano) I'm showing you what we've 12 marked as Exhibit 3. 13 A. Okay. 14 Q. If you could take a look at sort of the second 15 and then on to the third and fourth page? 16 A. Okay. 17 Q. Do you see there's a letter there? 18 A. Uh-huh. 19 Q. Do you recognize this letter? 20 A. Like I said, it's been a long time. I 21 remember -- I would probably recognize it even more if 22 it were in its original form from our office. But if 23 this is the letter that is the same as our office, this 24 was the letter that was prepared by our staff to respond 25 to the questions that Senator Van de Putte had.</p>
<p style="text-align: right;">34</p> <p>1 I didn't testify long. 2 (Exhibit 2 marked for identification.) 3 Q. (By Ms. Maranzano) I'm showing you what we've 4 marked as Deposition Exhibit Number 2. 5 A. Uh-huh. 6 Q. This I'll represent to you is an excerpt from 7 the Committee of the Whole transcript from March 10, 8 2009. Can you look at page -- and there's a bunch of 9 different numbers at the bottom, but I'm looking at the 10 JA number, JA 003998. 11 A. 3998. 12 Q. Yes. 13 A. Okay. 14 Q. And if you can just take a look at that page. 15 Do you see that Senator Van de Putte is asking you some 16 questions there? 17 A. Uh-huh. 18 Q. And do you see that -- that you say there's no 19 mechanisms to track race or ethnicity, and she expresses 20 some concern about gathering this information for a DOJ 21 submission. Do you see that? 22 A. Well, let me look. 23 Q. Yes. 24 A. Let's see. Okay. I read this, so. 25 Q. And do you recall, do you see that you say</p>	<p style="text-align: right;">36</p> <p>1 Q. And can you look at the page that has the 591 2 on the top right? 3 A. Uh-huh. 4 Q. And there's a question about does the Secretary 5 of State track the racial status of registered voters? 6 A. Uh-huh. 7 Q. And then do you see that you say that 8 information on voters with Hispanic surname is 9 inconclusive? 10 A. Hold on. I haven't gotten there yet. 11 Q. Okay. 12 A. Let me see, where is it? 13 Q. That part is towards the end of the first 14 paragraph. 15 A. Okay. 16 Q. Now, is your basis for -- well, what is your 17 basis for characterizing it as inconclusive? Is it what 18 we discussed earlier? 19 A. I think clearly is what it states here. 20 Q. So when you said, "We do not have" -- "we do 21 have data on the number of registered voters with 22 Hispanic surnames, but the data is inconclusive," what 23 is your basis for saying it's inclusive? 24 A. Because of what it says here, the rest of that 25 sentence. It simply matches the surname against the</p>

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10 (Pages 37 to 40)

<p style="text-align: right;">37</p> <p>1 identified Hispanic surnames.</p> <p>2 Q. And in 2009, did you have any other way of</p> <p>3 determining if a voter was Hispanic?</p> <p>4 A. Not to my knowledge.</p> <p>5 Q. So would you think that a Hispanic surname</p> <p>6 analysis would be the best available way to determine if</p> <p>7 the voter was Hispanic?</p> <p>8 MR. SCOTT: Objection, form.</p> <p>9 A. I think based on what we said here it's</p> <p>10 inconclusive.</p> <p>11 Q. (By Ms. Maranzano) Do you see in the next</p> <p>12 paragraph, you talk about submissions to the Department</p> <p>13 of Justice, and then in the second sentence you say,</p> <p>14 "For instance," and can you read that sentence. "The</p> <p>15 Texas Legislative Council assisted with the compilation</p> <p>16 of data on race and ethnicity on redistricting bills."</p> <p>17 Do you know what the Texas Legislative Council did to</p> <p>18 compile all the data on race and ethnicity for</p> <p>19 redistricting bills?</p> <p>20 A. Personally, I don't know, ma'am.</p> <p>21 Q. Do you know when you wrote this letter or sent</p> <p>22 this letter?</p> <p>23 A. As I -- as I stated, this letter was an effort</p> <p>24 of our office to answer the Senator. So our staff</p> <p>25 drafted the letter, who -- those are the individuals who</p>	<p style="text-align: right;">39</p> <p>1 MR. SCOTT: Objection, form, vague.</p> <p>2 Q. (By Ms. Maranzano) That -- wasn't that the</p> <p>3 question that we looked at for Senator Van de Putte</p> <p>4 where she was interested in asking about the</p> <p>5 demographics of registered voters?</p> <p>6 A. I thought Senator Van de Putte was asking about</p> <p>7 Hispanic surnames. Without looking at the whole thing,</p> <p>8 I thought that was what we were talking about.</p> <p>9 Q. As you see on page 3998, Senator Van de Putte</p> <p>10 says --</p> <p>11 A. Hold on, hold on, 3 what?</p> <p>12 Q. 3998.</p> <p>13 A. 3998.</p> <p>14 Q. JA 00.</p> <p>15 A. Okay.</p> <p>16 Q. And Senator Van de Putte says, "So how would be</p> <p>17 able if we don't know" --</p> <p>18 A. Where are you, ma'am?</p> <p>19 Q. In the middle of the page, Line 10.</p> <p>20 A. Okay.</p> <p>21 Q. And there's a comment by Senator Van de Putte</p> <p>22 where she talks about the data, and she's asking about</p> <p>23 registered voters who are African American or Latino.</p> <p>24 Do you see that?</p> <p>25 A. Uh-huh.</p>
<p style="text-align: right;">38</p> <p>1 are the experts in this area. Since I was the</p> <p>2 individual who had been asked by the Senator, the letter</p> <p>3 was -- we responded to her under my signature.</p> <p>4 Q. So as you sit here today, you don't know what</p> <p>5 the Texas Legislature did; is that correct -- or I'm</p> <p>6 sorry, the Texas Legislative Council did for that</p> <p>7 analysis?</p> <p>8 A. I don't recall back to 2009.</p> <p>9 Q. Okay. And then do you see that the next</p> <p>10 sentence says, "A similar effort to obtain such</p> <p>11 demographics may have required for a voter</p> <p>12 identification bill"? Is it fair to say that in March</p> <p>13 of 2009, that you were aware of the potential need to</p> <p>14 identify the racial demographics of registered voters</p> <p>15 when you submitted the Voter ID bill to the Department</p> <p>16 of Justice?</p> <p>17 A. I don't know, ma'am.</p> <p>18 Q. Well, what -- what -- what do you mean by that</p> <p>19 sentence?</p> <p>20 A. As I said, back in 2009, I -- I don't -- other</p> <p>21 than what it says, I don't know.</p> <p>22 Q. And in March of 2009, is it fair to say that</p> <p>23 you knew the Legislature was interested in the</p> <p>24 demographics of registered voters based on your</p> <p>25 testimony as a resource witness?</p>	<p style="text-align: right;">40</p> <p>1 Q. So at least one legislator was interested in</p> <p>2 knowing that, correct?</p> <p>3 A. I would presume that she has an interest in it.</p> <p>4 Q. And can you -- can you turn back to this letter</p> <p>5 and look at the very first question here that's on page</p> <p>6 590?</p> <p>7 A. Uh-huh.</p> <p>8 Q. And do you see that it's asking about the</p> <p>9 difference between a citizenship certificate and</p> <p>10 citizenship papers?</p> <p>11 A. Uh-huh.</p> <p>12 Q. And if you could take a look at SB 362, Section</p> <p>13 63.0101.</p> <p>14 A. Wait a minute. Where are you now? Hold on,</p> <p>15 because you --</p> <p>16 Q. I'll find the page number.</p> <p>17 A. -- you're taking it too fast here.</p> <p>18 Q. It's on Page 5 or JA 3244.</p> <p>19 A. Wait a minute. Which document? You've given</p> <p>20 me two documents. Which document are you talking about?</p> <p>21 Are you talking about this one or are you talking about</p> <p>22 this one?</p> <p>23 Q. The SB 362.</p> <p>24 A. All right.</p> <p>25 Q. Yeah.</p>

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<p style="text-align: right;">41</p> <p>1 A. Now where do you want me to go in this?</p> <p>2 Q. Page 5.</p> <p>3 A. Page 5.</p> <p>4 Q. Which has a JA 3244?</p> <p>5 A. JA. Okay.</p> <p>6 Q. And then if you look at Section 63.0101, which</p> <p>7 is at Line 11.</p> <p>8 A. Line 11, okay.</p> <p>9 Q. Okay. And then I want you to take a look at</p> <p>10 this section. There's a Section A and a Section B in</p> <p>11 63.0101.</p> <p>12 A. Okay.</p> <p>13 Q. And just let me know when you're ready.</p> <p>14 A. What else do you want me to look at?</p> <p>15 Q. Section A and B. Did you look at that?</p> <p>16 A. Section A. Okay.</p> <p>17 Q. Do you see Section A has language about a</p> <p>18 United States citizenship certificate, correct?</p> <p>19 A. Uh-huh.</p> <p>20 Q. And Section B has language about a United</p> <p>21 States -- or United States citizenship papers. Do you</p> <p>22 see that?</p> <p>23 A. Now where is Section B? Okay. I see papers</p> <p>24 here. Certificate here. Okay.</p> <p>25 Q. And then in this letter, you're answering the</p>	<p style="text-align: right;">43</p> <p>1 to -- had to draft the language to satisfy the question</p> <p>2 that had been asked. Without a staff here to walk me</p> <p>3 through it again after five years, I don't remember.</p> <p>4 Q. Okay. So sitting here today, you don't know</p> <p>5 the answer to that?</p> <p>6 A. The answer to what?</p> <p>7 Q. To whether the certificate of naturalization</p> <p>8 was, in 2009, whether your office thought that that was</p> <p>9 part of 63.0101 A?</p> <p>10 A. I feel comfortable that what our staff put in</p> <p>11 this letter was the most accurate information they had.</p> <p>12 Q. Okay. Now, this letter is dated March 11,</p> <p>13 correct?</p> <p>14 A. Yes, it appears to, yes, ma'am.</p> <p>15 Q. And you testified on March 10th, although I</p> <p>16 believe the testimony went into the next day; is that</p> <p>17 correct?</p> <p>18 A. Ma'am, I don't remember. It's -- it -- I -- I</p> <p>19 started -- I sat there starting the evening of the</p> <p>20 9th. I went through the 10th. And I testified in the</p> <p>21 wee hours of the morning of the 11th, somewhere like</p> <p>22 5-ish or so in the morning. I don't -- it was early.</p> <p>23 Q. Uh-huh.</p> <p>24 A. Most people weren't working about that time.</p> <p>25 And upon -- upon getting through, I went back to our</p>
<p style="text-align: right;">42</p> <p>1 question of explaining the difference between a</p> <p>2 citizenship certificate and citizenship papers. Do you</p> <p>3 see that?</p> <p>4 A. Okay.</p> <p>5 Q. Okay. Now, in the second paragraph of the</p> <p>6 letter, there's discussion of citizenship papers. And</p> <p>7 it states that the passport -- a U.S. passport and</p> <p>8 certificate of citizenship would satisfy Section 63.0101</p> <p>9 A and B. And then it separately discusses birth</p> <p>10 certificates and certificates of naturalization. So my</p> <p>11 question is: Was it your position in 2009 that a</p> <p>12 certificate of naturalization was intended to be</p> <p>13 accepted under 63.0101 A?</p> <p>14 A. My personal position?</p> <p>15 Q. The position -- yeah, your personal position?</p> <p>16 A. My personal position, I didn't have a position.</p> <p>17 Q. What about the position of your office?</p> <p>18 A. All of this?</p> <p>19 Q. Uh-huh.</p> <p>20 A. A lawyer would have to tell me what this means.</p> <p>21 I'm not a lawyer. So I would have to defer to the</p> <p>22 elections staff to tell me, okay, this was the response.</p> <p>23 They verified that this needed to be in there. I was</p> <p>24 responding on behalf of the agency because I was the --</p> <p>25 the witness that was up there. But the staff was able</p>	<p style="text-align: right;">44</p> <p>1 staff and said we have these questions. The staff</p> <p>2 members that were there were able to write down the</p> <p>3 questions. We need to respond to the Senator.</p> <p>4 Q. And you responded that same day, these are in</p> <p>5 the day, correct?</p> <p>6 A. If that's what this letter says. Now, my dates</p> <p>7 may be off on when I actually testified. I just</p> <p>8 remember it was early in the morning.</p> <p>9 Q. Now, when you -- when you serve as a resource</p> <p>10 witness or when you served as the resource witness, the</p> <p>11 one time, did you think it was important to respond to</p> <p>12 all the questions that the legislators asked you?</p> <p>13 A. I thought it was important to answer the</p> <p>14 questions that they asked me.</p> <p>15 Q. And would you try to respond such as in this</p> <p>16 case even if you had to go back and get more information</p> <p>17 and bring it back to them?</p> <p>18 A. If that had been the case.</p> <p>19 Q. Does the Legislature's funding of your office</p> <p>20 motivate you to respond to their requests?</p> <p>21 A. The Legislature motivates me to respond to</p> <p>22 their requests.</p> <p>23 Q. Do you believe that you're equally responsive</p> <p>24 to members of the majority political party and the</p> <p>25 minority political party?</p>

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<p style="text-align: right;">45</p> <p>1 A. We're responsive to anyone that asks the 2 question. 3 Q. Are there any circumstances, and this can be 4 even broader than just when you testified, in which you 5 have not responded to a legislator's question or request 6 for information? 7 MR. SCOTT: Objection, vague and 8 ambiguous. 9 A. What do you mean? 10 Q. (By Ms. Maranzano) As you sit here today, can 11 you recall any times when a legislator has asked you a 12 question or asked for information and you haven't 13 responded? 14 MR. SCOTT: Objection, vague and 15 ambiguous. You can answer. 16 A. I -- ma'am, not that I -- I don't know of 17 any. I mean, I can't recall any. 18 Q. (By Ms. Maranzano) Do you -- do you recall if 19 you got a response to your letter to Senator 20 Van de Putte? 21 A. I don't recall. 22 Q. Did you have communications about the substance 23 of the letter with any other Senators? 24 A. No, not that I can recall. 25 Q. With the Lieutenant Governor's Office?</p>	<p style="text-align: right;">47</p> <p>1 Q. Do you know -- do you know who they had 2 conversations with? 3 A. Absolutely -- no, ma'am, I -- 4 Q. But you didn't have any conversations with 5 legislators about the bill? 6 A. No, ma'am. 7 Q. Do you know if Senator Fraser consulted with 8 anyone in the elections division to ensure that the bill 9 did not create any conflict with the election code? 10 A. I have no idea, ma'am. You're talking about 11 this bill, Senate Bill 14? 12 Q. Senate Bill 14. Does your office receive 13 notification of allegations of in-person voter 14 impersonations? 15 A. If our elections department would -- would 16 receive those, elections division, rather. 17 Q. And are those something Mr. Ingram or whoever 18 the director of elections is discusses with you? 19 A. Not in great detail, no more than if there's 20 one, we have one and they were following their 21 procedures for passing it on. 22 Q. So you would know that there was an allegation 23 but you wouldn't know the details; is that correct? 24 A. Quite possibly, yes, ma'am, I -- 25 Q. Prior to the passage of SB 14, were you aware</p>
<p style="text-align: right;">46</p> <p>1 A. Not that I can recall, ma'am. 2 Q. With any members of the House? 3 A. No, ma'am, not that I can -- none that I can 4 recall. 5 (Exhibit 4 marked for identification.) 6 Q. (By Ms. Maranzano) I'm handing you what we've 7 marked as Exhibit 4. Do you recognize this document? 8 A. I see two exhibit numbers on here. 9 Q. Oh, yeah, that's -- 10 A. One says that 5 and one that says 4. 11 Q. Well, 5 is because it's a previously used 12 exhibit. 13 A. Oh, okay, all right. So this would be Senate 14 Bill 14? 15 Q. Did you have any role in the development of 16 Senate Bill 14? 17 A. Direct -- direct development? 18 Q. Yes. 19 A. No, ma'am. 20 Q. How about indirect development? 21 A. Well, I supervised our elections staff. 22 Q. Did they have -- did they have a role in the 23 development of the bill? 24 A. I'm quite sure they answered questions from the 25 Legislature if they had them.</p>	<p style="text-align: right;">48</p> <p>1 of any allegations of in-person voter impersonation in 2 Texas? 3 A. I -- I don't -- you know, when you've been 4 around seven years, a lot of things happen at different 5 times. I don't know if they happened before the bill or 6 after. 7 Q. Well, as you sit here today, what allegations 8 of in-person voter impersonation are you aware of? 9 A. I can't remember any specific ones. 10 Q. Okay. 11 A. Because they weren't -- they were passed on to 12 the appropriate authorities. 13 Q. Do you know whether it's the Secretary of 14 State's position that under SB 14, a citizenship 15 certificate includes certificates of naturalization? 16 A. What do you mean? 17 Q. Well, can you take a look at -- let me find the 18 right page for you. 19 A. Are you talking about the types of -- 20 Q. Yes. 21 A. -- identification? 22 Q. Yes. 23 A. I know the different forms, but I would have to 24 have staff tell me which specific forms fall into what 25 categories.</p>

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<p style="text-align: right;">49</p> <p>1 Q. Okay. Are you aware of whether a certificate 2 of naturalization is accepted as a form of ID under SB 3 14?</p> <p>4 A. Are you considering that a certificate of 5 citizenship?</p> <p>6 Q. That's what I'm asking you.</p> <p>7 A. I mean, is that what you were asking about?</p> <p>8 Q. Yes, exactly.</p> <p>9 A. I think it is one of the forms. I had to go 10 back and think about that. Citizenship is a -- should 11 be a form.</p> <p>12 Q. And do you know who made that decision?</p> <p>13 A. Who in terms of the bill?</p> <p>14 Q. Well, if you look at the bill -- let's just 15 look at the bill for a moment.</p> <p>16 A. So what page are you going to?</p> <p>17 Q. Page 9 or Page 424 or DE --</p> <p>18 A. My 424 says Page 7.</p> <p>19 Q. DE 4188, do you see that?</p> <p>20 A. Okay. 4188.</p> <p>21 Q. And then Section 14 of the bill.</p> <p>22 A. Okay.</p> <p>23 Q. That's probably the easiest way to do it. And 24 then do you see -- if you could just take a look at the 25 forms of ID that are --</p>	<p style="text-align: right;">51</p> <p>1 A. G. Okay.</p> <p>2 Q. Okay. So certificate of citizenship -- 3 certificate of naturalization, that's not written 4 explicitly in the part of the bill that we just looked 5 at, right?</p> <p>6 MR. SCOTT: Objection, form, vague.</p> <p>7 Mischaracterizes the bill and the document -- the bill, 8 SB 14, speaks for itself. Go ahead.</p> <p>9 Q. (By Ms. Maranzano) Did you see when you looked 10 at 63.0101, did you see certificate of naturalization 11 written in?</p> <p>12 A. I have to go back and look. I've seen so much 13 today. Which one?</p> <p>14 Q. That one that you have open.</p> <p>15 A. And what am I looking at?</p> <p>16 Q. 63.0101?</p> <p>17 A. 63.1010.</p> <p>18 Q. SB 14.</p> <p>19 A. Okay. And where am I looking? Where do you 20 want me to look?</p> <p>21 Q. I'm just asking you if you see certificate of 22 naturalization listed there.</p> <p>23 MR. SCOTT: Objection, form. The document 24 4189 speaks for itself.</p> <p>25 A. I see what the bill says.</p>
<p style="text-align: right;">50</p> <p>1 A. All right.</p> <p>2 Q. -- here.</p> <p>3 A. Okay.</p> <p>4 Q. Okay. Now, let's take a look at this.</p> <p>5 A. Okay.</p> <p>6 MS. MARANZANO: We are marking this 7 Deposition Exhibit 6 -- 5. 8 (Exhibit 5 marked for identification.)</p> <p>9 A. This is 4. Okay, I got it.</p> <p>10 Q. (By Ms. Maranzano) Okay. And I believe this 11 is on the second page. It's on Page 463240.</p> <p>12 A. 463 what?</p> <p>13 Q. Which is Page 4 at the top and the letter G.</p> <p>14 A. Uh-huh.</p> <p>15 Q. And do you see that according to the Secretary 16 of State frequently -- well, do you recognize this 17 document, what's been marked as Deposition Exhibit 5?</p> <p>18 A. I recognize that it's a FAQ document.</p> <p>19 Q. And do you see that under Section G, it says 20 the Secretary of State has determined -- researched the 21 legislative intent. And do you see that the 22 determination has been made that citizenship 23 certificates includes certificates of naturalization?</p> <p>24 A. Wait a minute. Where are you?</p> <p>25 Q. Under letter G.</p>	<p style="text-align: right;">52</p> <p>1 Q. (By Ms. Maranzano) So I'm wondering who made 2 the decision to include certificate of naturalization as 3 a form of ID that was allowed in -- under SB 14?</p> <p>4 MR. SCOTT: Objection, form. I think this 5 is getting awful close to the deliberative process 6 privilege that the agency goes through. And so I think 7 other than what the documents say on their surface, I 8 would --</p> <p>9 Well, first of all, do you know? I mean, 10 if you don't know, that may be the easiest way. If you 11 don't know, just let her know. But if you do know, then 12 I've got to follow up.</p> <p>13 A. I don't know other than it would happen in the 14 elections division.</p> <p>15 Q. (By Ms. Maranzano) Okay. Do you know what the 16 basis was of that decision?</p> <p>17 A. No, ma'am.</p> <p>18 Q. Do you know if that decision is memorialized in 19 a regulation?</p> <p>20 A. What do you mean by memorialized?</p> <p>21 Q. Is there a regulation -- is there anything in 22 writing other than these frequently asked questions that 23 says certificate of naturalization should be included?</p> <p>24 A. I'm not aware.</p> <p>25 Q. Okay. Is this the case that the Secretary of</p>

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<p style="text-align: right;">53</p> <p>1 State has regulatory authority with regard to the forms 2 of ID allowed under SB 14? 3 A. I think Secretary of State's Office is not a 4 regulatory agency. 5 Q. Do you think that the decision to allow a 6 certificate of naturalization as one of the allowable 7 forms of ID under SB 14 is the decision that could be 8 reversed by a future administration? 9 MR. SCOTT: Objection, form, speculation. 10 Objection, form, foundation. You can answer. 11 A. I have no clue, ma'am. 12 Q. (By Ms. Maranzano) Did you have any 13 conversations -- you can put that document away. 14 A. This one? I can put this away? 15 Q. Yes. 16 A. Okay. 17 Q. Did you have any conversations with any 18 legislators about SB 14 while it was being considered? 19 A. Ma'am, none that I can recall. 20 Q. Did you have any conversations with anyone in 21 the Governor's office about SB 14? 22 A. None of -- none of any great substance. 23 Q. Did the Governor designate SB 14 as a 24 legislative emergency? 25 A. I don't -- I don't remember.</p>	<p style="text-align: right;">55</p> <p>1 A. I mean, bills don't start with the Secretary of 2 State's Office. 3 Q. (By Ms. Maranzano) But the Secretary of State 4 is the chief election official, correct? 5 A. We're the chief resource. 6 Q. Now, you said I believe earlier that you 7 usually work with committees, the Senate Committee on 8 State Affairs for election bills. 9 A. I don't. 10 Q. Your office does, correct? 11 A. Yes. 12 Q. And are you aware that SB 14 was referred 13 directly to the Committee of the Whole? 14 A. Ma'am, I don't -- I don't know the history of 15 the legislative process on the bill. 16 Q. Okay. Fair enough. 17 MS. MARANZANO: Can you mark this? 18 (Exhibit 6 marked for identification.) 19 MS. MARANZANO: Okay. At this point, 20 before we go further, I just want to note for the record 21 that this is a Highly Confidential document, so we're 22 going to designate this part of the transcript as highly 23 confidential. 24 MR. SCOTT: We have run into this issue 25 with our wonderful court reporter before.</p>
<p style="text-align: right;">54</p> <p>1 Q. Do you know why SB 14 would have been 2 designated as a legislative emergency? 3 A. No, ma'am. 4 Q. Was there any factual basis that necessitated 5 the Legislature to consider Voter ID bills in the first 6 60 days of the session? 7 MR. SCOTT: Objection. 8 A. I have no idea. 9 Q. (By Ms. Maranzano) Was there any spike in 10 in-person voter impersonation that had occurred? 11 A. I don't know. 12 Q. Are you aware of any particular decline in 13 voter confidence that has occurred? 14 A. I'm not aware of any. 15 Q. Did you provide any input into the decision to 16 make SB 14 a legislative emergency? 17 A. No, ma'am. 18 Q. Did the Secretary of State? 19 A. I'm not aware of -- of that. 20 Q. Wouldn't the Secretary of State be in the best 21 position to know whether there was an election-related 22 issue that needed to be addressed in the first 60 days 23 of the legislative session? 24 MR. SCOTT: Objection, form, foundation, 25 speculation.</p>	<p style="text-align: right;">56</p> <p>1 MS. MARANZANO: Yes. 2 MR. SCOTT: And from his standpoint, we 3 have had the following agreement on previous 4 depositions. We want to see if we can get the same one 5 on this one so we make his life as easy as possible. 6 Which is that we put the whole deposition in some sealed 7 content, but the only time anybody needs to do anything 8 special is when we get to that portion of the depo that 9 deals with the highly confidential. So we treat it as 10 though it's, from an administrative process, he's 11 allowed to serve it upon us in a sealed manner, and it 12 just puts everybody on alert that they need to -- 13 there's something in that deposition that's highly 14 confidential. 15 MS. MARANZANO: I see. So we'll -- 16 MR. SCOTT: So the whole depo -- 17 MS. MARANZANO: -- mark the whole 18 transcript as Highly Confidence, but we'll note on the 19 record when we're -- 20 MR. SCOTT: Yes. 21 MS. MARANZANO: -- using a document that's 22 -- 23 MR. SCOTT: Yes. That's way -- 24 MS. MARANZANO: Yeah. 25 MR. SCOTT: -- nobody needs any special</p>

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<p style="text-align: right;">57</p> <p>1 permission to do anything except when we get to that 2 highly confidential section.</p> <p>3 MS. MARANZANO: That's fine as long as we 4 can agree that, you know, we're doing it as an 5 administrative convenience --</p> <p>6 MR. SCOTT: Absolutely, yes.</p> <p>7 MS. MARANZANO: -- but we're not agreeing 8 that the whole transcript is confidential.</p> <p>9 MR. SCOTT: Yes, yes, absolutely.</p> <p>10 MS. MARANZANO: All right. But just so 11 I'm clear, will we continue to note on the record when 12 we're using highly confidential?</p> <p>13 MR. SCOTT: Absolutely.</p> <p>14 MS. MARANZANO: Okay.</p> <p>15 MR. SCOTT: And so we're just dealing with 16 it, it just kind of -- placing that burden -- I mean, 17 that removes the burden on him to break out any 18 subparts, and it just alerts somebody that there's 19 something in that document that's highly confidential.</p> <p>20 MS. MARANZANO: I see. That makes sense.</p> <p>21 MR. SCOTT: And we only deal with the 22 subpart as being highly confidential. The rest remains 23 un --</p> <p>24 MS. MARANZANO: Okay.</p> <p>25 MR. SCOTT: -- sharable with anybody you</p>	<p style="text-align: right;">59</p> <p>1 asking Ms. McGeehan whether the Secretary of State or 2 any other local election officials collect ethnicity 3 information on voters?</p> <p>4 A. Uh-huh.</p> <p>5 Q. Who is Ms. McGeehan?</p> <p>6 A. Ms. McGeehan is the former director of 7 elections.</p> <p>8 Q. And when she sent this e-mail to Ms. McGeehan, 9 at that time, was Ms. McGeehan the director of 10 elections?</p> <p>11 A. It appears she was based on the e-mail here.</p> <p>12 Q. And Ms. McGeehan responded and talked about the 13 availability of the Hispanic surname analysis, correct?</p> <p>14 A. That appears to be correct.</p> <p>15 Q. Now, this e-mail was sent on January 24th, 16 right?</p> <p>17 A. That's what it -- yes, ma'am, according to this 18 document.</p> <p>19 Q. And is that the day before the Senate Committee 20 of the Whole took up SB 14?</p> <p>21 A. I have no idea.</p> <p>22 Q. Did Ms. McGeehan inform you that she's been 23 asked by Senator Duncan's staff to provide information 24 about the ethnicity of voters?</p> <p>25 A. I don't recall.</p>
<p style="text-align: right;">58</p> <p>1 want.</p> <p>2 MS. MARANZANO: Okay. That sounds good.</p> <p>3 MR. SCOTT: Thank you.</p> <p>4 Q. (By Ms. Maranzano) Mr. Shorter?</p> <p>5 A. Uh-huh.</p> <p>6 Q. I am showing you what we've marked as 7 Deposition Exhibit 6. Do you recognize this document?</p> <p>8 A. No, ma'am.</p> <p>9 Q. Have you ever seen it before?</p> <p>10 A. No, ma'am.</p> <p>11 Q. Do you know who Jennifer Fagan is?</p> <p>12 A. Yes, ma'am.</p> <p>13 Q. And who is she?</p> <p>14 A. She works for Senate Committee on State 15 Affairs, or she used to. I don't know if she's still 16 there or not.</p> <p>17 Q. And in 2011, she -- she worked for the Senate 18 Committee on State Affairs, correct?</p> <p>19 A. I think she did, yes.</p> <p>20 Q. In 2011? And Senator Duncan chaired the 21 committee on State Affairs, correct?</p> <p>22 A. Yes, ma'am.</p> <p>23 Q. And did he preside over the debate on SB 14?</p> <p>24 A. I was not at that hearing.</p> <p>25 Q. Now, do you see in this document, Ms. Fagan is</p>	<p style="text-align: right;">60</p> <p>1 Q. Are you aware of whether she made any response 2 to Ms. Fagan or to Senator Duncan's staff?</p> <p>3 A. I'm not aware.</p> <p>4 Q. Okay. So --</p> <p>5 A. Other than what you've shown me here.</p> <p>6 Q. Okay. Those are all the questions I have about 7 this document.</p> <p>8 A. Okay. I can turn this one down?</p> <p>9 Q. Yes.</p> <p>10 A. Who do I give this one to?</p> <p>11 MR. SCOTT: Same pile.</p> <p>12 MS. MARANZANO: You can just put them in 13 the pile.</p> <p>14 A. Okay.</p> <p>15 Q. (By Ms. Maranzano) Are you aware of whether 16 the division, the elections division at this time, 17 around January 24th, had prepared a monthly report of 18 Hispanic surname voters by household and county?</p> <p>19 A. Ma'am, I'm not aware.</p> <p>20 Q. Would it surprise you to learn that Mr. Ingram 21 testified that that's the case?</p> <p>22 A. No, it wouldn't surprise me. I'm just -- I 23 mean -- I don't -- what -- what do you mean?</p> <p>24 Q. Would -- are you aware of whether the elections 25 division prepared a report of Hispanic surname voters</p>

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<p style="text-align: right;">61</p> <p>1 each month?</p> <p>2 A. I don't know exactly how often, how frequent it</p> <p>3 is prepared.</p> <p>4 Q. Okay.</p> <p>5 A. I know it is prepared.</p> <p>6 Q. Okay.</p> <p>7 A. The frequency of it is not something that they</p> <p>8 put on my desk every month.</p> <p>9 Q. Okay. So that's what you were referring to</p> <p>10 earlier when you said you know the list was prepared.</p> <p>11 A. I know it's prepared. I know they follow</p> <p>12 whatever procedures, but how -- how often is it done, I</p> <p>13 can't give you without them telling me, without me</p> <p>14 asking them, I can't give you a specific answer.</p> <p>15 Q. Do you -- do you know how the report is</p> <p>16 prepared?</p> <p>17 A. What do you mean by how it's prepared?</p> <p>18 Q. Do you know what information is contained in</p> <p>19 that report?</p> <p>20 A. It's been a while since I've seen one. I would</p> <p>21 have to see one to refresh my memory on it.</p> <p>22 Q. Do you know what the purpose of the report is?</p> <p>23 A. Not in great detail.</p> <p>24 Q. Do you give that report out to people who ask</p> <p>25 for information about the ethnicity of voters?</p>	<p style="text-align: right;">63</p> <p>1 Q. Okay.</p> <p>2 A. It was not my decision.</p> <p>3 Q. Was it -- whose decision was it?</p> <p>4 A. I would presume it's the decision of the</p> <p>5 committee.</p> <p>6 Q. Did you accompany Ms. McGeehan when she</p> <p>7 testified as a resource witness?</p> <p>8 A. I was in the room.</p> <p>9 Q. And in the room, you mean you went to the --</p> <p>10 A. To the Senate floor.</p> <p>11 Q. Okay. And you -- did you stay during the</p> <p>12 committee's debate?</p> <p>13 A. Some of it. I can't remember if I stayed for</p> <p>14 the whole thing, ma'am.</p> <p>15 Q. Was that a common practice for you to accompany</p> <p>16 other people when they went to the Legislature to</p> <p>17 testify?</p> <p>18 A. It wasn't necessarily common practice, but in</p> <p>19 that it was the Senate of the Whole, again, we didn't</p> <p>20 know what to expect. Ms. McGeehan wanted -- because I</p> <p>21 had been there, I had been the witness before,</p> <p>22 Ms. McGeehan as the elections director before the</p> <p>23 Committee of the Whole just wanted me there, if nothing</p> <p>24 more, for moral support.</p> <p>25 Q. And prior to the hearing on January 25, 2011</p>
<p style="text-align: right;">62</p> <p>1 A. Where all the -- where all the staff provides</p> <p>2 that particular list and who all they provide it to, I</p> <p>3 don't know specifically. Whoever the -- whoever asks</p> <p>4 for it is more than likely capable of getting it.</p> <p>5 Q. So although you testified earlier that you</p> <p>6 don't believe that the Spanish surname analysis is a</p> <p>7 completely accurate --</p> <p>8 A. Uh-huh.</p> <p>9 Q. -- method, the Secretary of State's Office has</p> <p>10 disseminated information using that form of analysis,</p> <p>11 correct?</p> <p>12 A. That's the only information we have.</p> <p>13 Q. Do you know if you've ever disseminated that</p> <p>14 information to the State Affairs Committee?</p> <p>15 A. Ma'am, I -- I -- specifically, I don't -- I</p> <p>16 don't know. I mean, I can't give you a -- if it was</p> <p>17 requested by the committee, I'm quite sure our staff did</p> <p>18 the best of their ability to provide it.</p> <p>19 Q. Do you recall that Ms. McGeehan testified</p> <p>20 during the Committee of the Whole proceedings on the</p> <p>21 Senate Bill 14?</p> <p>22 A. I remember her testifying.</p> <p>23 Q. Now, why did she testify in this case in SB 14</p> <p>24 when --</p> <p>25 A. I have no clue.</p>	<p style="text-align: right;">64</p> <p>1 where Ms. McGeehan testified --</p> <p>2 A. Uh-huh.</p> <p>3 Q. -- the division had updated its analysis of</p> <p>4 voters who had not supplied a driver's license number or</p> <p>5 Social Security number with their voter registration</p> <p>6 applications, correct?</p> <p>7 A. I don't remember.</p> <p>8 Q. Do you -- do you know how an analysis like that</p> <p>9 would be derived?</p> <p>10 MR. SCOTT: Objection, form, foundation.</p> <p>11 A. What type of analysis?</p> <p>12 Q. (By Ms. Maranzano) A list of voters who did</p> <p>13 not supply a driver's license number or a Social</p> <p>14 Security number, would that analysis be done by only</p> <p>15 looking at the TEAM database?</p> <p>16 A. Ask the question -- ask me the question again,</p> <p>17 please. I didn't quite understand what you were asking.</p> <p>18 Q. Sure. When the Secretary of State's Office</p> <p>19 gives out information about voters who have not supplied</p> <p>20 a driver's license number or a Social Security number on</p> <p>21 a voter registration application, are they getting that</p> <p>22 information from the TEAM database?</p> <p>23 A. Well, I mean, it would depend on what type of</p> <p>24 request it is.</p> <p>25 Q. What do you mean by that?</p>

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<p style="text-align: right;">65</p> <p>1 A. Just what I said, it depends on, you know, the 2 nature of -- of who's asking the question. I mean, 3 what -- what is it that you're trying to -- to figure 4 out? I mean, is it can the data be -- can the question 5 be answered simply by looking at TEAM data, or is there 6 another set of data that needs to be looked at as well. 7 I'm can't be -- I'm not the one that could tell you 8 that. The election staff would be able to answer that 9 question as to whether or not the answers for a 10 particular query can be determined only by data that we 11 have in TEAM. 12 Q. Okay. I think maybe I'm not being clear. When 13 -- when the elections division is supplying a list that 14 has the number of voters who didn't write their driver's 15 license number or their Social Security number on their 16 voter registration application, would that be -- that 17 information, would that come just from TEAM? 18 A. Well, I think I've answered it as best I could. 19 It depends on, you know, are you just looking at the -- 20 all of the data that's in TEAM? I can't remember every 21 piece of information in TEAM. Or are you having to look 22 at outside data to make comparisons with? 23 Q. The information that would be supplied on the 24 voter registration application, what other database 25 would contain that?</p>	<p style="text-align: right;">67</p> <p>1 list of voters who had driver's -- or wrote a driver's 2 license number on their voter registration application, 3 did the division, to your knowledge, conduct any other 4 research related to SB 14 before Ms. McGeehan testified? 5 A. I can't remember. There were some matching 6 exercises with -- with outside databases, but our staff 7 could never conclusively provide answers with any 8 confidence. 9 Q. And I think -- I want to talk a little bit more 10 about that in a second. But is it the case that the 11 Secretary of State's Office had a jury wheel from DPS 12 since about October 2010? Does that sound correct to 13 you? 14 A. I don't know the exact date, but we do have a 15 jury wheel. 16 Q. And is it possible to match that jury wheel 17 with -- against TEAM? 18 A. There's a process that the jury wheel goes 19 through, ma'am, not being a technical person, there is 20 some type of interaction. I can't specifically speak to 21 how those two match together. 22 Q. Okay. I understand. Did you anticipate when 23 you went over to the Committee of the Whole with 24 Ms. McGeehan that she was going to be asked for 25 information about the number of voters who didn't have a</p>
<p style="text-align: right;">66</p> <p>1 A. Well, not all voter applications have driver's 2 license. 3 Q. Right, so -- so, but in terms of where you 4 would get that -- that information for the voter 5 registration applications that did have driver's license 6 numbers or that did have another number written on it, 7 that information comes from TEAM, right? 8 A. I would presume. 9 Q. Okay. And as I think you just said, not every 10 voter registration application has a driver's license 11 number or a Social Security number, correct? 12 A. That's what I've been told by staff. 13 Q. And in fact, voters weren't required to supply 14 those numbers until 2006, correct? 15 A. I don't know the exact date, was it 2006, but 16 I've been told that that was not a nonrequirement. 17 Q. So information about voters who wrote or didn't 18 write a driver's license number or Social Security 19 number on a voter registration application, that 20 information is of limited use if you're trying to 21 determine who has a driver's license, correct? 22 MR. SCOTT: Objection, form, foundation, 23 speculation. 24 A. I'm not a technical person. I wouldn't know. 25 Q. (By Ms. Maranzano) Now, besides updating the</p>	<p style="text-align: right;">68</p> <p>1 driver's license or ID card? 2 A. I had no -- I made no anticipation whatsoever. 3 Q. Did you recall that that had come up in 2009? 4 A. Ma'am, I don't even remember 2009 much, and I 5 don't remember much of what happened that day. 6 Q. Do you think that a match against -- of DPS 7 jury pool and TEAM would have been a more accurate way 8 to get the number of individuals who might not have a 9 driver's license than using the number of individuals 10 who wrote or didn't write a driver's license number on 11 their voter registration card? 12 MR. SCOTT: Objection, form, calls for 13 speculation. 14 A. I don't know. 15 Q. (By Ms. Maranzano) When you were at -- at the 16 Capitol building on January 25th with Ms. McGeehan, did 17 you speak to legislators about SB 14 prior to her 18 testimony? 19 MR. SCOTT: Objection, form, vague. I 20 mean he goes to the Capitol every day. Their office is 21 over there. 22 Q. (By Ms. Maranzano) When you were there with 23 Ms. McGeehan prior to her testimony? 24 A. Not that I recall. 25 Q. You don't recall a conversation with Senator</p>

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18 (Pages 69 to 72)

<p style="text-align: right;">69</p> <p>1 Williams?</p> <p>2 A. No, ma'am, I don't recall one. I -- I just</p> <p>3 don't recall.</p> <p>4 MS. MARANZANO: Can you please mark this?</p> <p>5 (Exhibit 7 marked for identification.)</p> <p>6 A. When was this?</p> <p>7 Q. (By Ms. Maranzano) I'm showing you what we've</p> <p>8 marked as Deposition Exhibit 7.</p> <p>9 A. Okay.</p> <p>10 Q. This is an excerpt only, it's not the whole</p> <p>11 transcript, from the January 25th, 2011 Committee of the</p> <p>12 Whole proceeding.</p> <p>13 A. Okay.</p> <p>14 Q. On SB 14. Can you turn to Page 460?</p> <p>15 A. 460, okay.</p> <p>16 Q. Do you see that --</p> <p>17 A. Hold on. 460, okay.</p> <p>18 MR. SCOTT: And for the record, that's</p> <p>19 Bates Number TX 816.</p> <p>20 MS. MARANZANO: Thank you.</p> <p>21 Q. (By Ms. Maranzano) On Line 7, do you see that</p> <p>22 Senator Davis is asking a question of Ms. McGeehan about</p> <p>23 the number of voters who wrote down their driver's</p> <p>24 license on their voter registration application?</p> <p>25 A. Are you talking about Line 7 through 11?</p>	<p style="text-align: right;">71</p> <p>1 Q. Well, she says that it's an important issue to</p> <p>2 try to understand, correct?</p> <p>3 A. I'd have to go back and read it. I see it</p> <p>4 appears to me she asks, is there an intent to track it</p> <p>5 going forward.</p> <p>6 Q. And on Page 460, she actually asks if there is</p> <p>7 -- if the Secretary of State already breaks down that</p> <p>8 information.</p> <p>9 A. Ma'am, I don't know why she's asking these</p> <p>10 questions.</p> <p>11 Q. Okay. Do you know what Senator Davis's</p> <p>12 position on SB 14 was?</p> <p>13 MR. SCOTT: Objection, form, vague.</p> <p>14 Q. (By Ms. Maranzano) Do you know how she voted</p> <p>15 on SB 14?</p> <p>16 A. No, ma'am, I wasn't there when all the voting</p> <p>17 was going on.</p> <p>18 Q. Can you turn to page 489?</p> <p>19 A. 489, okay.</p> <p>20 Q. And if you can look at Senator Williams'</p> <p>21 comment which starts at Line 14.</p> <p>22 A. 14, okay.</p> <p>23 Q. Yeah. I want to focus your attention on what</p> <p>24 he says towards the bottom and then it goes on to the</p> <p>25 next page.</p>
<p style="text-align: right;">70</p> <p>1 Q. Yes.</p> <p>2 A. Okay.</p> <p>3 Q. And then do you see Ms. McGeehan talks about --</p> <p>4 can you just take a look at Ms. McGeehan's response?</p> <p>5 A. All right. Okay.</p> <p>6 Q. And do you see Ms. McGeehan, when she responds,</p> <p>7 she references the Hispanic surname, correct, on the</p> <p>8 bottom of the page?</p> <p>9 A. Okay.</p> <p>10 Q. And then Senator Davis talks about how she</p> <p>11 thinks this is an important issue, correct, on the next</p> <p>12 page, in terms of the implementation of this law and its</p> <p>13 impact?</p> <p>14 A. Okay.</p> <p>15 Q. Are you aware of whether the Secretary of</p> <p>16 State's Office had any follow-up with Senator Davis</p> <p>17 after this exchange?</p> <p>18 A. Ma'am, I don't -- I don't recall.</p> <p>19 Q. Is it fair to say that Senator Davis was</p> <p>20 interested in the demographics of registered voters?</p> <p>21 MR. SCOTT: Objection, form,</p> <p>22 speculation. Document speaks for itself.</p> <p>23 Q. (By Ms. Maranzano) Based on her questions?</p> <p>24 A. I don't know, I mean, I don't know what -- it</p> <p>25 is what it says.</p>	<p style="text-align: right;">72</p> <p>1 A. Okay.</p> <p>2 Q. And do you see he's referencing that he talked</p> <p>3 to Ms. McGeehan about a project to cross-reference the</p> <p>4 driver's license and voter registration?</p> <p>5 A. Uh-huh.</p> <p>6 Q. And then do you see Ms. McGeehan talks about</p> <p>7 timing for that when she says she hopes to get a</p> <p>8 response to him by the end of the week?</p> <p>9 A. Uh-huh.</p> <p>10 Q. Were you there during that testimony?</p> <p>11 A. Ma'am, I don't remember. I may have been in</p> <p>12 the room.</p> <p>13 Q. Okay.</p> <p>14 A. I may not have been.</p> <p>15 Q. Do you recall this request that was made by</p> <p>16 Senator Williams?</p> <p>17 A. I don't recall a specific request. I do recall</p> <p>18 our office attempting to cross-reference driver's</p> <p>19 license and voter registration.</p> <p>20 Q. Okay. Did you think that -- all right. And</p> <p>21 prior to Senator Williams' request on January 25th, are</p> <p>22 you aware of any other such request for this</p> <p>23 information?</p> <p>24 A. Like I said, I'm not aware of a specific</p> <p>25 request. I'm just aware of the exercise that -- the</p>

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19 (Pages 73 to 76)

<p style="text-align: right;">73</p> <p>1 exercises in trying to do cross-references between the</p> <p>2 driver's license list and the voter registration list.</p> <p>3 I'm not aware of how they all got started.</p> <p>4 Q. Can you look at the bottom of Page 490, at</p> <p>5 Senator Williams' comment?</p> <p>6 A. 490?</p> <p>7 Q. Uh-huh. Where he's --</p> <p>8 A. 490, okay.</p> <p>9 Q. -- he's still in the same exchange that he's</p> <p>10 having with Ms. McGeehan?</p> <p>11 A. Okay.</p> <p>12 Q. And do you see that he talks about -- he</p> <p>13 suggests that they could make -- if we gave legislative</p> <p>14 intent as part of the bill tomorrow, do you see that?</p> <p>15 It's right at the very bottom?</p> <p>16 A. Okay.</p> <p>17 Q. He's talking about legislative intent for you</p> <p>18 all. And then on the next page, and the Secretary of</p> <p>19 State's Office to take that direction. Are you aware of</p> <p>20 whether that legislative intent was ever included in SB</p> <p>21 14?</p> <p>22 A. Ma'am, I have no clue.</p> <p>23 Q. And what he's saying is -- it looks like he's</p> <p>24 talking about training plans and voter education plans,</p> <p>25 correct, on Page 491?</p>	<p style="text-align: right;">75</p> <p>1 to try to -- try to make a match. I'm also aware that</p> <p>2 we were not very successful at it.</p> <p>3 (Exhibit 8 marked for identification.)</p> <p>4 Q. (By Ms. Maranzano) I'm showing you what we've</p> <p>5 marked as Deposition Exhibit 8.</p> <p>6 A. Okay.</p> <p>7 Q. If you'll look at this, the whole thing.</p> <p>8 A. Okay. Let's see here. Okay.</p> <p>9 Q. Have you ever seen this document before?</p> <p>10 A. Ma'am, if I have, it's been so long ago, I</p> <p>11 don't -- I don't remember the specifics of the document.</p> <p>12 I remember the process.</p> <p>13 Q. Can you look at the third page where there's a</p> <p>14 question at the top and a discussion.</p> <p>15 A. Uh-huh.</p> <p>16 Q. Do you know if you've seen the content on this</p> <p>17 page before?</p> <p>18 A. I don't recall if I have.</p> <p>19 Q. When you talked about the -- the attempt to do</p> <p>20 a match --</p> <p>21 A. Uh-huh.</p> <p>22 Q. -- is this write-up a write-up of that attempt</p> <p>23 as far as you can tell?</p> <p>24 A. Ma'am, I don't remember the actual numbers. I</p> <p>25 just remember there were several attempts to do it, and</p>
<p style="text-align: right;">74</p> <p>1 A. He says if it's something you wanted to have</p> <p>2 done in your training plans and voter education plans,</p> <p>3 but I'm not sure really what he's referencing.</p> <p>4 Q. Well, you can read the whole statement. And do</p> <p>5 you see he says -- this is after he had asked</p> <p>6 Ms. McGeehan about the -- the data matching. And then</p> <p>7 he asks if she needs further direction. And then he</p> <p>8 says, "For instance, if we wanted to target that</p> <p>9 universe of people that we know are out there and maybe</p> <p>10 make a little extra effort to make sure that they</p> <p>11 understood they were going to have a new requirement</p> <p>12 when they went to vote as far as getting a photo ID."</p> <p>13 A. Uh-huh.</p> <p>14 Q. Do you know if any legislative intent was put</p> <p>15 into the bill?</p> <p>16 A. Ma'am, I don't know.</p> <p>17 Q. Do you know what Senator Williams' position on</p> <p>18 SB 14 was?</p> <p>19 MR. SCOTT: Object. If you know.</p> <p>20 A. I -- this is with -- I can't tell you how the</p> <p>21 actual senators voted on this bill.</p> <p>22 Q. (By Ms. Maranzano) Okay. Now, I believe you</p> <p>23 said that you're aware that a match was done between the</p> <p>24 DPS database and the voter registration database?</p> <p>25 A. I'm aware that our office made several attempts</p>	<p style="text-align: right;">76</p> <p>1 we got several different kind of answers.</p> <p>2 Q. And who oversaw that process of matching the</p> <p>3 databases?</p> <p>4 A. That would have been a mixture of the elections</p> <p>5 division and the IT division, but probably spearheaded</p> <p>6 by the elections division.</p> <p>7 Q. And would that have been then spearheaded by</p> <p>8 Ann McGeehan?</p> <p>9 A. Ann McGeehan or Karen Richards, I guess.</p> <p>10 Q. Do you know who analyzed the results of the</p> <p>11 match?</p> <p>12 A. No, ma'am, I'm would presume their staff, but I</p> <p>13 don't know specifically.</p> <p>14 Q. Can you look at this at the first page?</p> <p>15 A. Uh-huh.</p> <p>16 Q. And do you see at the very top?</p> <p>17 A. Uh-huh.</p> <p>18 Q. There's a message from Ann McGeehan, and in</p> <p>19 that message she says, "Attached is a draft summary that</p> <p>20 I will send to Coby and John" --</p> <p>21 A. Uh-huh.</p> <p>22 Q. -- "so they can distribute to legislative</p> <p>23 folks."</p> <p>24 A. Uh-huh.</p> <p>25 Q. Does that refresh your recollection at all that</p>

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20 (Pages 77 to 80)

<p style="text-align: right;">77</p> <p>1 this may have been sent to you?</p> <p>2 A. Nuh-uh.</p> <p>3 Q. Do you believe that she meant Coby -- she meant</p> <p>4 you by that?</p> <p>5 MR. SCOTT: Objection, form, speculation.</p> <p>6 A. It would not -- John -- John -- I presume</p> <p>7 that's John that would have been our general counsel. I</p> <p>8 would not have distributed it to anyone.</p> <p>9 Q. (By Ms. Maranzano) Who would have distributed</p> <p>10 it to legislative folks?</p> <p>11 A. It would have either been Ann or her staff or</p> <p>12 John, who was dealing directly with the legislative</p> <p>13 affairs.</p> <p>14 Q. Would it surprise you to learn that</p> <p>15 Ms. McGeehan testified that she sent this to you and</p> <p>16 that she discussed it with you?</p> <p>17 A. It may have been discussed with me. I mean,</p> <p>18 the matching exercises, I remember visiting with our</p> <p>19 staff about the matching exercises. And I remember the</p> <p>20 staff consistently telling me that we were trying to</p> <p>21 match apples and oranges, and it wasn't giving</p> <p>22 information that the staff was comfortable with or had</p> <p>23 confidence in.</p> <p>24 Q. Okay. Who told you that specifically?</p> <p>25 A. Ma'am, I don't remember exactly who it was.</p>	<p style="text-align: right;">79</p> <p>1 successful or something that we could have confidence in</p> <p>2 the data that was being provided.</p> <p>3 Q. Were you aware when you discussed that with</p> <p>4 them that they were doing this to respond to legislative</p> <p>5 requests?</p> <p>6 A. Ma'am, I don't remember why they were doing</p> <p>7 this. This is 2011. I don't -- I didn't know if they</p> <p>8 were doing it for -- I don't recall if they were doing</p> <p>9 it for -- I guess -- by looking at the -- this was</p> <p>10 February, they were trying to answer somebody's</p> <p>11 questions. You know, we had several things going on at</p> <p>12 the same time. We had the Legislature, you got -- I</p> <p>13 don't know what -- I don't know what specific questions</p> <p>14 they were trying to answer. All I know is that there</p> <p>15 was a process going and they couldn't get an answer that</p> <p>16 anybody was confident of.</p> <p>17 Q. But you were aware that legislators had asked</p> <p>18 for this information, correct?</p> <p>19 A. Ma'am, I don't remember.</p> <p>20 Q. What was your reaction to the conclusion, which</p> <p>21 is on the third page, that 600 -- somewhere between</p> <p>22 678 -- 678,560 and 844,713 voters may not have been</p> <p>23 issued a Texas driver's license or ID?</p> <p>24 MR. SCOTT: Objection, form, foundation,</p> <p>25 and calls for speculation based upon his prior answer.</p>
<p style="text-align: right;">78</p> <p>1 Q. Was it IT individuals?</p> <p>2 A. Ma'am, I don't remember exactly who it was. I</p> <p>3 mean, there were so many different people working on</p> <p>4 these exercises, the IT people and the -- and I don't</p> <p>5 recall these exercises being solely related to this</p> <p>6 particular issue. I'm -- I'm talking about matching</p> <p>7 exercises where you're trying to take DPS and our</p> <p>8 database and match them together. And IT, Ann, all of</p> <p>9 them, when they would bring the information, there was</p> <p>10 always a different number. There was never a number</p> <p>11 that you could have confidence in.</p> <p>12 Q. Okay. Well, with regard to this matching</p> <p>13 exercise, in particular, with TEAM and the DPS database,</p> <p>14 who did you talk to who said they didn't have confidence</p> <p>15 in?</p> <p>16 A. As I said, I don't remember specifically.</p> <p>17 Other than the staff. It could have been Ann. It could</p> <p>18 have been the IT staff. It could have been our -- the</p> <p>19 elections division staff. It was staff. I don't recall</p> <p>20 every -- every meeting that came into my office. I just</p> <p>21 know that staff shared with me. It could have very well</p> <p>22 been Ann. It could have very well been our IT director.</p> <p>23 That the information, every time they matched it</p> <p>24 together, you always got a different answer. The</p> <p>25 matching -- the matching exercises did not appear to be</p>	<p style="text-align: right;">80</p> <p>1 Go ahead if you can.</p> <p>2 A. I don't think I understood your question.</p> <p>3 Q. (By Ms. Maranzano) Well, do you see the</p> <p>4 conclusion at the bottom of that page?</p> <p>5 A. Uh-huh.</p> <p>6 Q. What was your reaction to that conclusion?</p> <p>7 MR. SCOTT: Objection, form, foundation.</p> <p>8 The prior testimony was he didn't recall this document.</p> <p>9 Subject to that objection, you can answer.</p> <p>10 Q. (By Ms. Maranzano) You can answer.</p> <p>11 A. I mean, as I previously said, these exercises</p> <p>12 were not -- there was -- there was no one in our -- no</p> <p>13 one shared with me in our office that they had any</p> <p>14 confidence in these numbers. When the matching</p> <p>15 exercises were done, I was even told my name was on</p> <p>16 there. I know I have an ID.</p> <p>17 Q. So my question, though, is just about the</p> <p>18 numbers that you saw as part of this matching exercise.</p> <p>19 A. I don't remember the numbers that I saw. I</p> <p>20 just remember -- I remember staff consistently telling</p> <p>21 me we are comparing apples to oranges, and every time we</p> <p>22 do this, we come up with different answers.</p> <p>23 Q. And did you try to find out from the staff if</p> <p>24 there was a way to conduct the match in a more effective</p> <p>25 manner?</p>

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<p style="text-align: right;">81</p> <p>1 A. Well, I -- I directives -- I mean, I didn't</p> <p>2 direct -- I asked the staff to continue to work on it to</p> <p>3 the best of their ability.</p> <p>4 Q. Was there any other way to determine how many</p> <p>5 registered voters might have a driver's license or ID?</p> <p>6 A. I wouldn't know.</p> <p>7 Q. Was that something you asked staff?</p> <p>8 A. I don't recall having -- I don't recall that</p> <p>9 conversation, as I consistently say, I just remember</p> <p>10 staff working on this consistently and not being able to</p> <p>11 come up with a definitive answer.</p> <p>12 Q. So when -- when you were working on the</p> <p>13 matching exercise, did you distribute the results that</p> <p>14 you found to anybody?</p> <p>15 MR. SCOTT: Objection, form,</p> <p>16 mischaracterizes the evidence, misstates his</p> <p>17 evidence. Also, assumes facts not in evidence. You can</p> <p>18 answer if you can.</p> <p>19 A. Did I give somebody something?</p> <p>20 Q. (By Ms. Maranzano) Did you distribute the --</p> <p>21 the results from the matching exercises to anybody?</p> <p>22 A. Not that I can recall ever doing.</p> <p>23 Q. Did anybody in your office?</p> <p>24 A. Ma'am, I don't know.</p> <p>25 Q. Did you discuss the content of the matching</p>	<p style="text-align: right;">83</p> <p>1 Mr. Sepehri about whether or not to distribute</p> <p>2 information from the matches to anybody?</p> <p>3 A. Ma'am, I don't recall. Like I said, I recall</p> <p>4 the information not being conclusive. And I recall them</p> <p>5 continuing to work on it.</p> <p>6 Q. So to the best of your knowledge, nobody ever</p> <p>7 responded to Senator Williams' request?</p> <p>8 A. I don't know if they did or if they didn't.</p> <p>9 Q. And that's not something that would you have</p> <p>10 followed up on yourself?</p> <p>11 A. No, because I wasn't -- there wouldn't have</p> <p>12 been a reason for me to follow up on it, because as I've</p> <p>13 said before, the elections division and the people that</p> <p>14 handle legislative affairs are the individuals in our</p> <p>15 office that deal directly with the Legislature.</p> <p>16 Q. Do you -- do you recall Ms. McGeehan seeking</p> <p>17 approval to distribute the results of this matching</p> <p>18 analysis to anybody?</p> <p>19 A. She may have.</p> <p>20 Q. And she would have got that from you, correct?</p> <p>21 A. Not -- not necessarily directly to me. She</p> <p>22 could have also talked to the Secretary. She could have</p> <p>23 talked to the general counsel.</p> <p>24 Q. Do you recall her asking you --</p> <p>25 A. Ma'am, I don't --</p>
<p style="text-align: right;">82</p> <p>1 with anybody?</p> <p>2 A. Not that I can recall.</p> <p>3 Q. Did you discuss the conclusions with anybody?</p> <p>4 A. I don't -- the only conclusions I discussed was</p> <p>5 with my staff, that I can recall, was you don't have a</p> <p>6 conclusive answer.</p> <p>7 Q. Did you talk to Ms. McGeehan about whether or</p> <p>8 not she should distribute the information to anybody?</p> <p>9 A. I don't remember. I mean, I think -- I don't</p> <p>10 think we ever got to a point where we got a conclusive</p> <p>11 answer.</p> <p>12 Q. Did -- did you talk to -- is this John referred</p> <p>13 to in the e-mail, John Sepehri? Is he who you referred</p> <p>14 to when --</p> <p>15 MR. SCOTT: Objection, form, calls for</p> <p>16 speculation.</p> <p>17 A. I don't know if it's John Sepehri or if it's</p> <p>18 John Mendoza.</p> <p>19 Q. (By Ms. Maranzano) I believe that you</p> <p>20 previously said that you thought that was the general</p> <p>21 counsel?</p> <p>22 A. It -- it -- back in 2011, I got to go back and</p> <p>23 think who was general counsel then. It probably would</p> <p>24 have been John Sepehri as our general counsel then.</p> <p>25 Q. Do you recall if you had any conversations with</p>	<p style="text-align: right;">84</p> <p>1 Q. -- for approval?</p> <p>2 A. -- I don't -- I remember -- I remember them</p> <p>3 working through the exercise. I really don't remember</p> <p>4 what all they were doing with it. I just remember they</p> <p>5 were working through an exercise of doing matches.</p> <p>6 Q. If Ms. McGeehan had presented this to you,</p> <p>7 being the matching exercise, do you think she would have</p> <p>8 believed she needed your approval before she could</p> <p>9 distribute it?</p> <p>10 MR. SCOTT: Objection, form, calls for</p> <p>11 speculation.</p> <p>12 A. Not -- I don't know.</p> <p>13 Q. (By Ms. Maranzano) You don't recall your</p> <p>14 conversation with Ms. McGeehan about the matching</p> <p>15 exercise?</p> <p>16 A. As specific as I recall them going through</p> <p>17 several chances or several tries to get an answer, I</p> <p>18 don't recall them ever getting a conclusive answer that</p> <p>19 anyone had confidence in.</p> <p>20 Q. Would it surprise you to learn that the</p> <p>21 Lieutenant Governor testified that he was briefed on the</p> <p>22 information contained in this document?</p> <p>23 A. I -- I have no idea if he was or not.</p> <p>24 Q. Did you have any concerns that the Legislature</p> <p>25 had requested information and your office wasn't</p>

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22 (Pages 85 to 88)

<p style="text-align: right;">85</p> <p>1 responding to it?</p> <p>2 MR. SCOTT: Objection, form,</p> <p>3 mischaracterizes his evidence, asked and answered. And</p> <p>4 he's previously testified that he doesn't recall what</p> <p>5 happened and what information was requested by the</p> <p>6 Legislature.</p> <p>7 Q. (By Ms. Maranzano) You can answer.</p> <p>8 A. Well, I mean, I don't -- I don't -- I don't</p> <p>9 recall.</p> <p>10 Q. When you say that -- that comparing the</p> <p>11 databases was comparing apples and oranges -- actually,</p> <p>12 strike that.</p> <p>13 Would it have been possible to release the</p> <p>14 information that you found from doing this database</p> <p>15 matching analysis with a disclaimer about the accuracy?</p> <p>16 MR. SCOTT: Objection, form, speculation.</p> <p>17 A. I don't know.</p> <p>18 Q. (By Ms. Maranzano) You don't know if you could</p> <p>19 have done that?</p> <p>20 A. I mean, I would have to defer to staff to tell</p> <p>21 me.</p> <p>22 Q. What staff would you defer to, to tell you</p> <p>23 whether or not you could do that?</p> <p>24 A. Those involved in the process, elections,</p> <p>25 staff, or counsel in our office. I --</p>	<p style="text-align: right;">87</p> <p>1 wanted to get this information to a state where they</p> <p>2 could distribute it?</p> <p>3 A. I felt our staff was trying to the best of</p> <p>4 their ability to get something that they could rely on</p> <p>5 and that was good data. But through this process, and</p> <p>6 this is not a -- you're isolating it to a particular</p> <p>7 time that I can't -- can't pinpoint. This process of</p> <p>8 matching throughout the time that I've seen it at the</p> <p>9 agency, the answer -- the situation has always been the</p> <p>10 same, you can't do it. It doesn't -- it doesn't work.</p> <p>11 And the staff -- the issue of my saying apples and</p> <p>12 oranges, that is language that has been given to me by</p> <p>13 the staff. It's not my language. It's -- it's like</p> <p>14 comparing apples and oranges. We can't get conclusive</p> <p>15 evidence -- I mean, conclusive -- a conclusive answer.</p> <p>16 Q. And was the -- was the voter registration</p> <p>17 database compared to DPS for other reasons? I'm sorry,</p> <p>18 let me just rephrase, because I'm realizing that was not</p> <p>19 clear.</p> <p>20 Do you match the voter registration</p> <p>21 database to the DPS database for any other reasons apart</p> <p>22 from this exercise?</p> <p>23 A. Specifically, ma'am, I can't tell you</p> <p>24 specifically how our staff uses it and what they match</p> <p>25 it to without them specifically coming in and -- and</p>
<p style="text-align: right;">86</p> <p>1 Q. But aren't these people who directly report to</p> <p>2 you?</p> <p>3 A. Ann.</p> <p>4 Q. I'm sorry, what?</p> <p>5 A. Ann.</p> <p>6 Q. Are these people who --</p> <p>7 A. Meaning --</p> <p>8 Q. -- who report to you as a general matter?</p> <p>9 Or --</p> <p>10 A. They report to me, but they also are experts in</p> <p>11 their field. I'm not -- I'm not the expert. I'm the</p> <p>12 manager of the experts. And they will be able to tell</p> <p>13 me what they can and can't do. The particular scenario</p> <p>14 that you just outlined, I don't recall that ever being</p> <p>15 presented to me as an option.</p> <p>16 Q. So you never discussed that?</p> <p>17 A. I don't recall discussing that.</p> <p>18 Q. And isn't it fair to say that you could also</p> <p>19 present ideas to your staff?</p> <p>20 A. It is fair to say that, but when they are the</p> <p>21 experts in the area and they have more experience than I</p> <p>22 do dealing with the Legislature, because they've done</p> <p>23 that for years and years, I would rely on them to tell</p> <p>24 me what's the best approach to take.</p> <p>25 Q. Did you have the impression that your staff</p>	<p style="text-align: right;">88</p> <p>1 telling me what they matched it to.</p> <p>2 MS. MARANZANO: Why don't we take about 10</p> <p>3 minutes?</p> <p>4 THE WITNESS: That's fine.</p> <p>5 (Recess from 10:59 to 11:16 a.m.)</p> <p>6 Q. (By Ms. Maranzano) Okay. Before the break we</p> <p>7 were talking about a matching exercise.</p> <p>8 A. Uh-huh.</p> <p>9 Q. And you testified that you had some concerns</p> <p>10 about the accuracy of the results from the matching</p> <p>11 exercise, correct?</p> <p>12 A. Yes, for all the matching exercises.</p> <p>13 Q. Do you -- did you ever memorialize those</p> <p>14 concerns in any writing?</p> <p>15 A. I don't -- I don't recall. I mean, I think we</p> <p>16 -- ultimately, we had to provide some numbers to -- I</p> <p>17 think to your office as a result of some -- some</p> <p>18 litigation later on, and we shared that we went through</p> <p>19 this process but we had no confidence in those numbers</p> <p>20 that we were providing then as well.</p> <p>21 Q. Are you referring to the preclearance</p> <p>22 submission?</p> <p>23 A. I don't recall exactly what that document was</p> <p>24 attached to.</p> <p>25 Q. Okay. Any other instances that you wrote down</p>

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23 (Pages 89 to 92)

<p style="text-align: right;">89</p> <p>1 your concerns or had written communications about your</p> <p>2 concerns about the accuracy of this matching?</p> <p>3 A. It could possibly have happened, ma'am. I</p> <p>4 don't remember any.</p> <p>5 Q. Okay.</p> <p>6 A. It could possibly have.</p> <p>7 Q. Did you think that -- that the results of the</p> <p>8 matching would have been less reliable to look at than</p> <p>9 say the number of individuals who hadn't written their</p> <p>10 driver's license number on their voter registration</p> <p>11 application?</p> <p>12 A. I don't know. This whole exercise -- my</p> <p>13 apprehension about any of these exercises was driven by</p> <p>14 the apprehension that staff had. If staff had concerns</p> <p>15 about it, I had concerns about it. I wouldn't know how</p> <p>16 to have concerns or not have concerns if staff wasn't.</p> <p>17 Q. But I guess what I'm trying figure out is, how</p> <p>18 did you weigh those concerns against the -- against the</p> <p>19 fact that -- that there were requests for this</p> <p>20 information? So you were trying to balance the concerns</p> <p>21 about the accuracy with the fact that this information</p> <p>22 had been requested?</p> <p>23 A. I mean, I don't think I specifically, on my</p> <p>24 own, was trying to balance anything. I think there was</p> <p>25 a general consensus of everybody -- there appeared to be</p>	<p style="text-align: right;">91</p> <p>1 that.</p> <p>2 Q. Now if Senator Williams had included language,</p> <p>3 legislative language, as he suggested during the debate,</p> <p>4 would your office have released these numbers even if</p> <p>5 they thought they weren't totally accurate?</p> <p>6 A. I don't know. I -- I don't -- I don't know</p> <p>7 what he was trying to do. When you showed me this</p> <p>8 document, I don't know what he was trying to accomplish.</p> <p>9 Q. Did you ever discuss the matching exercises</p> <p>10 with the Secretary of State?</p> <p>11 A. I'm quite sure I did.</p> <p>12 Q. And do you recall what her position was?</p> <p>13 A. The same as mine: Allow the staff to continue</p> <p>14 to work on it.</p> <p>15 Q. And did the staff continue to work on the</p> <p>16 matching exercise?</p> <p>17 A. Ma'am, I presume they may have. I'm not really</p> <p>18 sure how long they continued with it. During the</p> <p>19 legislative session elections is not the only issue that</p> <p>20 I'm concerned with, so. You know, where it -- where it</p> <p>21 -- I just know we were dealing with the matching</p> <p>22 exercises long after the Legislature was gone. We were</p> <p>23 still dealing with it.</p> <p>24 Q. And why were you dealing with the matching</p> <p>25 exercises after the Legislature was gone?</p>
<p style="text-align: right;">90</p> <p>1 a general consensus of everybody involved, staff -- and</p> <p>2 what they were doing with it, because I wasn't on</p> <p>3 day-to-day involved with what was happening in the</p> <p>4 Legislature -- that's not my job -- there was just an</p> <p>5 overall concern that this is not working.</p> <p>6 Q. So your recollection as you sit here is that</p> <p>7 there was a general consensus among everybody involved</p> <p>8 in the matching exercise that this was so inaccurate,</p> <p>9 that it shouldn't be distributed?</p> <p>10 A. Well, it was just so inaccurate.</p> <p>11 Q. Okay. And that includes IT staff and elections</p> <p>12 division staff?</p> <p>13 A. As far as I remember.</p> <p>14 Q. Can you think of anybody else that was</p> <p>15 involved?</p> <p>16 A. No, ma'am. I don't remember anything.</p> <p>17 Q. Did Ms. McGeehan ever express any concerns to</p> <p>18 you that not releasing this information would damage her</p> <p>19 relationship with Senator Williams?</p> <p>20 A. I don't recall anything like that.</p> <p>21 Q. Were there any concerns raised to you that the</p> <p>22 political ramifications of releasing the numbers</p> <p>23 involved in the match would have been difficult given</p> <p>24 that the bill was still under consideration?</p> <p>25 A. I don't recall any type of conversations like</p>	<p style="text-align: right;">92</p> <p>1 A. Because as I've repeatedly said, no one could</p> <p>2 get to a conclusive answer. And then there were other</p> <p>3 requests that came in later from some legal processes</p> <p>4 and there were requests that were made by the Department</p> <p>5 of Justice, I believe, for this information, and we were</p> <p>6 still going through the process of those apples and</p> <p>7 oranges.</p> <p>8 Q. I see. Do you recall if you discussed the</p> <p>9 matching process with anyone in the Governor's Office?</p> <p>10 A. I probably did discuss it probably some of the</p> <p>11 staffers but it wouldn't have been in terms of -- this</p> <p>12 is over the length of the process, not in terms of</p> <p>13 legislation. I think my contact with the Governor's</p> <p>14 Office or any other outside office on matching exercises</p> <p>15 was probably after the -- after the Legislature had --</p> <p>16 what do you call it -- had finished up.</p> <p>17 Q. So your conversation with the Governor's</p> <p>18 Office about the matching would have been more of</p> <p>19 subsequent issues that you were just talking about?</p> <p>20 A. Correct.</p> <p>21 Q. Okay. And do you recall what the substance of</p> <p>22 that conversation was?</p> <p>23 A. The same as I've said before.</p> <p>24 Q. Okay.</p> <p>25 A. Nobody -- nobody could figure out to accurately</p>

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24 (Pages 93 to 96)

<p style="text-align: right;">93</p> <p>1 do it.</p> <p>2 Q. And did you ever consult with any IT specialist</p> <p>3 outside of the Secretary of State about this process?</p> <p>4 A. I don't recall if I did. Some of our IT staff</p> <p>5 have.</p> <p>6 Q. Was that anything you discussed with them or</p> <p>7 suggested to them that they might want to do?</p> <p>8 A. Ma'am, I -- I don't remember. I think, you</p> <p>9 know, there were so many different IT specialists and</p> <p>10 outside consultants that are in our office from time to</p> <p>11 time doing different things, they may have asked someone</p> <p>12 else how to do it. But the end sum is, nobody figured</p> <p>13 out how to do it.</p> <p>14 Q. Do you recall that when SB 14 -- well, do you</p> <p>15 recall what committee SB 14 was referred to in the</p> <p>16 House?</p> <p>17 A. No, ma'am, as I said, I was not that directly</p> <p>18 involved.</p> <p>19 Q. Okay.</p> <p>20 (Exhibit 9 marked for identification.)</p> <p>21 MS. MARANZANO: Okay. For the record,</p> <p>22 this also a highly confidential document and it is</p> <p>23 marked Exhibit 9.</p> <p>24 Q. (By Ms. Maranzano) Can you take a look at this</p> <p>25 document.</p>	<p style="text-align: right;">95</p> <p>1 A. That's what it says.</p> <p>2 Q. And in this e-mail, she says she hopes to have</p> <p>3 an analysis by Monday. Was there anything that occurred</p> <p>4 around February 25th that would lead Ms. McGeehan to</p> <p>5 believe that the analysis would have been released by</p> <p>6 Monday?</p> <p>7 A. Ma'am, I don't know.</p> <p>8 Q. You have no awareness of that?</p> <p>9 A. I have no what?</p> <p>10 Q. No awareness of this --</p> <p>11 A. I mean, I only based it on what she has written</p> <p>12 here.</p> <p>13 Q. But if she was going to send such an analysis</p> <p>14 to a -- to Representative Harless, would she have run</p> <p>15 that by you, do you think?</p> <p>16 A. She could have. But if she were going to run</p> <p>17 it by me, it would have been given to others in our</p> <p>18 executive office before it would have been given to me.</p> <p>19 Q. Such as?</p> <p>20 A. Our general counsel.</p> <p>21 Q. And is your general counsel -- it looks like he</p> <p>22 was cc'd on this e-mail, right?</p> <p>23 A. He is.</p> <p>24 Q. So in February -- on February 25th, is there</p> <p>25 anything that you recall that -- do you recall that you</p>
<p style="text-align: right;">94</p> <p>1 A. Uh-huh.</p> <p>2 Q. Have you ever seen this before?</p> <p>3 A. Not that I can recall, ma'am.</p> <p>4 Q. Can you look at the second to last paragraph on</p> <p>5 the first page.</p> <p>6 A. Second to the last?</p> <p>7 Q. Yeah.</p> <p>8 A. Okay.</p> <p>9 Q. Do you see Ms. McGeehan is talking about the</p> <p>10 numbers of voters who have not been issued Texas</p> <p>11 driver's license or personal ID cards?</p> <p>12 A. Okay.</p> <p>13 Q. Do you see she says that they're still working</p> <p>14 with the IT department to analyze that data?</p> <p>15 A. Uh-huh.</p> <p>16 Q. As of February 25, would you say that was an</p> <p>17 accurate assessment?</p> <p>18 A. What was? What --</p> <p>19 Q. That she was -- that they were still working</p> <p>20 with the IT department to analyze the data about who had</p> <p>21 not had a Texas driver's license or personal ID card</p> <p>22 issued by DPS?</p> <p>23 A. It appeared to be an ongoing process.</p> <p>24 Q. And this e-mail, it says at top, was sent on</p> <p>25 Friday, February 25th, right?</p>	<p style="text-align: right;">96</p> <p>1 -- that your office was feeling comfortable enough with</p> <p>2 the match they were going to release it?</p> <p>3 A. No, ma'am, I don't recall.</p> <p>4 Q. Okay. Do you recall that Ms. McGeehan</p> <p>5 testified before the House Select Committee on Voter</p> <p>6 Identification and Voter Fraud on March 1st, 2011?</p> <p>7 A. Ma'am, I don't know when she testified.</p> <p>8 Q. Okay. Do you recall that she did testify</p> <p>9 there?</p> <p>10 A. Testified where?</p> <p>11 Q. Before the House Select Committee on Voter</p> <p>12 Identification and Voter Fraud?</p> <p>13 A. Would that be the -- are you talking about the</p> <p>14 Committee of the Whole or?</p> <p>15 Q. No, I'm talking about a specific committee in</p> <p>16 the House of Representatives.</p> <p>17 A. Where she specifically testified, I did not</p> <p>18 keep a record of where staff went and who they testified</p> <p>19 before.</p> <p>20 Q. Okay.</p> <p>21 A. She very well could have.</p> <p>22 Q. Okay, okay. Did you talk to her before she</p> <p>23 went and testified in the House of Representatives on SB</p> <p>24 14?</p> <p>25 A. If I did, it was for her to potentially update</p>

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<p style="text-align: right;">97</p> <p>1 me on what was going on.</p> <p>2 Q. Did she seek authorization from you to release</p> <p>3 this data?</p> <p>4 A. Ma'am, I don't remember. As I said, I remember</p> <p>5 them consistently working on the product.</p> <p>6 Q. So you don't recall as to whether or not you</p> <p>7 all discussed how she should respond if she was asked</p> <p>8 about the number of individuals without Texas driver's</p> <p>9 license or ID?</p> <p>10 A. No, ma'am.</p> <p>11 Q. And would you say on March 1st, it would have</p> <p>12 been accurate to say that the IT department was working</p> <p>13 on that analysis?</p> <p>14 MR. SCOTT: Objection, form.</p> <p>15 A. I don't know.</p> <p>16 Q. (By Ms. Maranzano) Is that your understanding</p> <p>17 of where the data matching process was at on March 1st?</p> <p>18 A. My understanding of the process is that it was</p> <p>19 an ongoing process. It was never conclusively completed</p> <p>20 or finished at a point where -- when I say completed,</p> <p>21 completed upon where there was any confidence that it</p> <p>22 was accurate. Every time they did it, they got a</p> <p>23 different answer.</p> <p>24 Q. So would you say on March 1st, an accurate</p> <p>25 response to a question about who had a Texas driver's</p>	<p style="text-align: right;">99</p> <p>1 A. That's what it says.</p> <p>2 Q. Do you see that she was asked about whether or</p> <p>3 not a match had been done with the driver's license file</p> <p>4 to determine who had a -- which registered voters had a</p> <p>5 driver's license?</p> <p>6 A. Yes.</p> <p>7 Q. And she responds that the IT that her -- IT --</p> <p>8 or, "Our IT department is looking at that"?</p> <p>9 A. Uh-huh.</p> <p>10 Q. Do you believe that's an accurate statement of</p> <p>11 what was occurring on March 1, 2011?</p> <p>12 MR. SCOTT: Objection, speculation.</p> <p>13 A. I can only go by what Ms. McGeehan is saying</p> <p>14 here.</p> <p>15 Q. (By Ms. Maranzano) But at that point, she had</p> <p>16 already -- there had already been a database matching</p> <p>17 exercise, correct?</p> <p>18 A. I -- I can't remember the times when all of</p> <p>19 these things were being done.</p> <p>20 Q. Well, if you look at Exhibit 8, that has the</p> <p>21 date February 1st at the top.</p> <p>22 A. Okay. Okay.</p> <p>23 Q. So as of February 1st, there had been already</p> <p>24 been some analysis conducted, correct?</p> <p>25 A. There had been some attempts to match that were</p>
<p style="text-align: right;">98</p> <p>1 license or ID would have been that an analysis had been</p> <p>2 done but it wasn't at a point yet to be released?</p> <p>3 MR. SCOTT: Objection, form, speculation.</p> <p>4 A. I don't know what I would have said on March</p> <p>5 the -- March 1. Or what the answer should have been on</p> <p>6 March 1 or not.</p> <p>7 MS. MARANZANO: Can we mark this.</p> <p>8 (Exhibit 10 marked for identification.)</p> <p>9 A. So are we through with this one?</p> <p>10 Q. (By Ms. Maranzano) Okay. I'm showing you what</p> <p>11 we marked as Exhibit 10.</p> <p>12 A. Okay.</p> <p>13 Q. If you could turn to Page 290.</p> <p>14 A. 290.</p> <p>15 Q. On Line 9, there's a question and then there's</p> <p>16 Ms. McGeehan response. If you could look at and let me</p> <p>17 know when you're ready.</p> <p>18 A. Okay.</p> <p>19 MR. SCOTT: What page again?</p> <p>20 MS. MARANZANO: 290.</p> <p>21 A. Okay.</p> <p>22 Q. (By Ms. Maranzano) Now does this -- to start</p> <p>23 with, does this look like its Ms. McGeehan's testimony</p> <p>24 to the House Select Committee on Voter Identification</p> <p>25 and Voter Fraud from March 1st, 2011?</p>	<p style="text-align: right;">100</p> <p>1 -- that staff could not be conclusive about.</p> <p>2 Q. So I -- I guess what I'm wondering is why</p> <p>3 Ms. McGeehan didn't respond during committee that there</p> <p>4 had already been an attempt to match conducted.</p> <p>5 MR. SCOTT: Objection, form.</p> <p>6 A. Ma'am, I wasn't there.</p> <p>7 MR. SCOTT: Wait. She didn't ask a</p> <p>8 question.</p> <p>9 Q. (By Ms. Maranzano) Do you have any concerns</p> <p>10 that Ms. McGeehan misled the House Select Committee on</p> <p>11 Voter Identification and Voter Fraud?</p> <p>12 MR. SCOTT: Objection, form. The record</p> <p>13 speaks for itself.</p> <p>14 A. I mean, she says what she says. I don't feel</p> <p>15 she would have misled anyone.</p> <p>16 Q. (By Ms. Maranzano) And to the best of your</p> <p>17 knowledge, between January 25, 2011, and May 27, 2011,</p> <p>18 when SB 14 was signed into law, was anyone other than</p> <p>19 the Lieutenant Governor provided with the matching</p> <p>20 results?</p> <p>21 A. I'm not aware of the Lieutenant Governor -- I'm</p> <p>22 personally not aware of the Lieutenant Governor being</p> <p>23 given information. I can't recall him getting it. So I</p> <p>24 don't know --</p> <p>25 Q. Anybody else, anybody outside the Secretary of</p>

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<p style="text-align: right;">101</p> <p>1 State's Office?</p> <p>2 A. I don't know -- I don't recall anyone.</p> <p>3 Q. Okay.</p> <p>4 A. I don't remember.</p> <p>5 Q. And did you have any conversations with Senator</p> <p>6 Williams, did he follow up at all with you, personally,</p> <p>7 about the --</p> <p>8 A. None that I can recall.</p> <p>9 Q. And did anybody in your office tell you that he</p> <p>10 followed up with them about the status of his request?</p> <p>11 A. None that I can -- no, none that I can recall</p> <p>12 at all.</p> <p>13 Q. Can you identify any other occasion on which</p> <p>14 the Secretary of State's Office completed an analysis</p> <p>15 based on a legislator's request and they did not provide</p> <p>16 the analysis to the legislator?</p> <p>17 MR. SCOTT: Objection form,</p> <p>18 mischaracterizes the evidence, misstates the evidence</p> <p>19 and it's argumentative based on the form of the</p> <p>20 question.</p> <p>21 You may answer if you can.</p> <p>22 A. I don't recall anything like that.</p> <p>23 Q. (By Ms. Maranzano) You don't recall that that</p> <p>24 happened?</p> <p>25 A. I don't recall what happened?</p>	<p style="text-align: right;">103</p> <p>1 Q. Do you know who Mr. Beuck is?</p> <p>2 A. No, ma'am, I do not.</p> <p>3 Q. Do you know if Representative Harless was on</p> <p>4 the Conference Committee for SB 14?</p> <p>5 A. I -- I don't recall who was on the Conference</p> <p>6 Committee.</p> <p>7 Q. Was Representative Harless the House sponsor of</p> <p>8 SB 14?</p> <p>9 A. I don't recall because I wasn't involved.</p> <p>10 Q. Do you see that Mr. Beuck says that he's</p> <p>11 waiting to hear from OAG and SOS on Monday morning about</p> <p>12 these amendments.</p> <p>13 A. I see where he says he's "Waiting to hear from</p> <p>14 OAG and SOS Monday morning."</p> <p>15 Q. Are you aware of whether anyone in your office</p> <p>16 reviewed these amendments?</p> <p>17 MR. SCOTT: Objection, form, vague.</p> <p>18 A. I'm not aware.</p> <p>19 Q. (By Ms. Maranzano) You didn't review either of</p> <p>20 these amendments --</p> <p>21 A. No, ma'am.</p> <p>22 Q. -- correct?</p> <p>23 Why would the Secretary of State's Office</p> <p>24 have been giving input on amendments to a bill?</p> <p>25 A. We would only answer -- our staff would only</p>
<p style="text-align: right;">102</p> <p>1 Q. That -- that you completed analysis --</p> <p>2 A. Ma'am, as I keep telling you --</p> <p>3 MR. SCOTT: Let her finish the question.</p> <p>4 Q. (By Ms. Maranzano) -- based on a legislator's</p> <p>5 request and then didn't provide that analysis of the</p> <p>6 request?</p> <p>7 MR. SCOTT: Same objection.</p> <p>8 A. I mean, I don't recall what all went into --</p> <p>9 what all happened to it other than it didn't work.</p> <p>10 Q. (By Ms. Maranzano) Did you -- did you monitor</p> <p>11 the amendments at all to SB 14?</p> <p>12 A. No, ma'am. It's not my role.</p> <p>13 (Exhibit 11 marked for identification.)</p> <p>14 Q. (By Ms. Maranzano) I'm showing you what we've</p> <p>15 marked as Deposition Exhibit 11.</p> <p>16 MS. MARANZANO: For the record, this is</p> <p>17 also a highly confidential document.</p> <p>18 Q. (By Ms. Maranzano) Have you ever seen this</p> <p>19 e-mail before?</p> <p>20 A. No, ma'am.</p> <p>21 Q. Can you -- can you look at the first sentence</p> <p>22 of the e-mail. Well, do you see this is an e-mail from</p> <p>23 Mr. Beuck to Representative Harless?</p> <p>24 A. I see that it's a -- yeah, a gentleman, and to</p> <p>25 Representative Harless, okay.</p>	<p style="text-align: right;">104</p> <p>1 answer questions that a legislator had.</p> <p>2 Q. How many times during your tenure has your</p> <p>3 office responded to questions about amendments on a</p> <p>4 bill?</p> <p>5 A. I have no idea. I don't keep account of that.</p> <p>6 Q. Okay. Do you have an approximation --</p> <p>7 A. No, ma'am.</p> <p>8 Q. -- is that a common occurrence?</p> <p>9 A. Legislators call election staff, legislators</p> <p>10 call other members, other staff, as do other agencies,</p> <p>11 wanting to know various questions about various</p> <p>12 things. To qualify or -- I mean to quantify in terms of</p> <p>13 a number, I don't have a clue.</p> <p>14 Q. Okay. Can you take a look at the -- the second</p> <p>15 amendment that's discussed in this e-mail.</p> <p>16 A. Okay. Which one's the first one?</p> <p>17 Q. It is Gonzales Amendment FA 26.</p> <p>18 A. Okay. Okay.</p> <p>19 Q. And it's talking about affidavits being</p> <p>20 executed on provisional ballots, correct?</p> <p>21 A. I'm not really sure what it's talking about.</p> <p>22 Q. Do you see it says, talking about "Amendment</p> <p>23 applies to affidavits executed when people are claiming</p> <p>24 the indigent/religious exemption"?</p> <p>25 A. Okay.</p>

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27 (Pages 105 to 108)

<p style="text-align: right;">105</p> <p>1 Q. "Under the amendment, someone could sign an 2 affidavit statement at the polling place the day of 3 election stating that they don't have ID because -- " 4 well, " -- be because indigent/religious objections, then 5 vote provisionally." 6 A. Okay. 7 Q. Now, is there any reason why SB 14 could not 8 have provided that an individual without an ID could 9 sign an affidavit? 10 A. I wouldn't know. 11 MR. SCOTT: Object, form, speculation. 12 Q. (By Ms. Maranzano) Do you know if prior to SB 13 14, provisional ballot was counted based on a signature 14 match? 15 A. You would have to ask our elections staff. I 16 wouldn't know. 17 Q. Okay. Do you know how it's determined whether 18 absentee ballots are counted or not? 19 A. Not specifically, no, ma'am. 20 (Exhibit 12 marked for identification.) 21 A. Which one was this? 11. Okay. Okay. 22 Q. (By Ms. Maranzano) Okay. I'm showing you what 23 we marked as Deposition Exhibit 12. 24 MS. MARANZANO: For the record, this is 25 also a highly confidential document.</p>	<p style="text-align: right;">107</p> <p>1 as that was included in the final version of SB 14? 2 A. Ma'am, I don't know. 3 Q. Okay. Other than the two amendments that we 4 just discussed, are you aware of whether the Secretary 5 of State expressed an opinion on any other legislative 6 amendments to SB 14? 7 A. None that I'm aware of. 8 Q. Did you -- you were ever informed of an 9 amendment offered by Senator Ellis that would have 10 required the Secretary of State to study the impact of 11 SB 14 on particular populations? 12 A. If I was informed, I don't remember. 13 Q. You didn't provide any impact -- 14 A. No, ma'am. 15 Q. -- input on that amendment? 16 Just a reminder that we should try not to 17 talk over each other. 18 MR. SCOTT: She's making sure that you 19 understand that I have a chance to get an objection in. 20 If you don't -- if you say it too quick, I don't get 21 that objection in. 22 Q. (By Ms. Maranzano) Okay. And also so the court 23 reporter can get an accurate transcript. 24 MR. SCOTT: What? 25 (Laughter.)</p>
<p style="text-align: right;">106</p> <p>1 Q. (By Ms. Maranzano) If you can take a look at 2 that for a moment. 3 A. Okay. 4 Q. Okay. Does this appear to you to be another 5 e-mail from Mr. Beuck to Representative Harless? 6 A. It appears to be. 7 Q. Do you see in that second paragraph, there's a 8 discussion of the Conference Committee removing a 9 requirement that the SOS education efforts be targeted 10 at low income and minority voters? 11 A. I see that. 12 Q. And then there's a comment that says, "OAG/SOS 13 concerns." Are you aware of whether the Secretary of 14 State's Office expressed concerns about an amendment to 15 target education efforts of low income and minority 16 voters? 17 A. I'm not aware. 18 Q. If concerns had been expressed about that, 19 would that have been something that was approved by you 20 or authorized by you? 21 A. It depends on what the concerns were. I'm not 22 aware of having conversation on a -- a Conference 23 Committee report about anything related to Senate Bill 24 14. 25 Q. Okay. Are you aware of whether provisions such</p>	<p style="text-align: right;">108</p> <p>1 A. Did I talk over you? I'm sorry. Please 2 forgive me. 3 Q. (By Ms. Maranzano) No, no, absolutely. I 4 think that you're anticipating the end of my question, 5 but. 6 A. No, I'm not, I'm just -- I know what I know, 7 and... 8 Q. If the Legislature had passed an amendment that 9 would have required the Secretary of State to study the 10 impact of SB 14 to determine if racial and ethnic 11 minorities suffered a disparate impact pursuant to the 12 amendments Senator Ellis offered, would you have been 13 able to do that? 14 MR. SCOTT: Objection, form, speculation. 15 You can go ahead. 16 A. I don't know who would have. We do what -- you 17 know, if the Legislature passes a bill, we try to the 18 best of our ability to do what they ask us to do. How 19 it would get done, I don't know. 20 Q. (By Ms. Maranzano) Do you believe that you have 21 any responsibility to determine the effect of SB 14 on 22 minority voters? 23 A. I think we have a -- we have a responsibility 24 to determine the effect on all voters. 25 THE COURT REPORTER: I'm sorry?</p>

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28 (Pages 109 to 112)

<p style="text-align: right;">109</p> <p>1 A. On all voters.</p> <p>2 Q. (By Ms. Maranzano) And are you taking steps to</p> <p>3 try to determine the effect of SB 14 on all voters?</p> <p>4 A. Well, we're trying to the best of our ability</p> <p>5 to implement the bill as the Legislature has passed it,</p> <p>6 and then share with the Legislature -- if there are any</p> <p>7 concerns, share with the Legislature those concerns as</p> <p>8 they come forward. I don't -- I haven't been apprised</p> <p>9 of any major concerns that have been brought forward on</p> <p>10 SB 14. We just try to implement what the Legislature</p> <p>11 passed.</p> <p>12 Q. And when you said you haven't been apprised of</p> <p>13 any major concerns that have come forward, do you mean</p> <p>14 like major concerns on the elections that the State has</p> <p>15 held, or what are -- what are you referring to?</p> <p>16 A. Well, we haven't -- it hasn't -- we have where</p> <p>17 there have been isolated incidents of individuals having</p> <p>18 -- that we've heard of in the media, but they have been</p> <p>19 corrected. We haven't seen any problems.</p> <p>20 Q. What sort of isolated incidents are you talking</p> <p>21 about?</p> <p>22 A. Well, you hear of people going to get an ID and</p> <p>23 they didn't have the proper documentation. However, the</p> <p>24 situation was remedied because once they were able to</p> <p>25 get the proper documentation, they were able to get an</p>	<p style="text-align: right;">111</p> <p>1 recall what exercise it was specifically related to, but</p> <p>2 I do recall our office sharing with -- with the</p> <p>3 requesting entity that this is not reliable information.</p> <p>4 Q. Okay. Okay. But I -- I think my question is</p> <p>5 slightly different than that. I'm wondering if you have</p> <p>6 any reason to that believe it wasn't the best available</p> <p>7 information you could provide, not whether it was a</p> <p>8 hundred percent accurate?</p> <p>9 A. What do you mean -- what do you mean by best</p> <p>10 available?</p> <p>11 Q. I mean, was there any other information</p> <p>12 available to you that you could provide to get this</p> <p>13 information of potentially the number of people who had</p> <p>14 driver's licenses?</p> <p>15 A. As far as -- as far as I know, we gave you all</p> <p>16 what we had. As far as I knew.</p> <p>17 Q. Do you know if a Spanish surname analysis was</p> <p>18 conducted when you submitted that information?</p> <p>19 A. I can't remember, ma'am.</p> <p>20 Q. Are you aware of any problems with in-person</p> <p>21 voter fraud in the November 2012 election?</p> <p>22 A. That would -- I would have to defer to our</p> <p>23 elections division. I don't remember the specific --</p> <p>24 there are -- the specific issues that came up, I don't</p> <p>25 remember specifically what they were.</p>
<p style="text-align: right;">110</p> <p>1 ID.</p> <p>2 Q. Okay. So you've heard of isolated incidents of</p> <p>3 individuals having issues getting ID. But as you sit</p> <p>4 here today, you're not aware of any other problems with</p> <p>5 the effect of SB 14 on voters?</p> <p>6 A. No, ma'am.</p> <p>7 Q. Okay.</p> <p>8 A. I'm not aware.</p> <p>9 Q. Were you involved at all in the submission of</p> <p>10 SB 14 to the Department of Justice under Section 5 for</p> <p>11 preclearance?</p> <p>12 A. Our staff would have done that. My involvement</p> <p>13 would have been like on other preclearance, them letting</p> <p>14 me know that they were doing it.</p> <p>15 Q. And did they submit to the department -- I</p> <p>16 believe you referenced that they might have, but did</p> <p>17 they submit a -- one of the results from one of the</p> <p>18 matching exercises?</p> <p>19 A. I'm not sure if that was a part of preclearance</p> <p>20 or if it were a part of some other pending litigation.</p> <p>21 Q. And when that was submitted to the department,</p> <p>22 did you have any reason to believe that wasn't the best</p> <p>23 available information that you could provide?</p> <p>24 A. Yes. And we shared -- when we submitted that</p> <p>25 information -- and I don't know what exercise -- I can't</p>	<p style="text-align: right;">112</p> <p>1 Q. Do you -- you don't remember specifically what</p> <p>2 they were, what incidents came up?</p> <p>3 A. I don't remember the specifics of the incidents</p> <p>4 that came up. I don't know -- for instance, the</p> <p>5 election staff, if they received those, they forwarded</p> <p>6 it to the appropriate agencies.</p> <p>7 Q. As you sit here today, are you aware of any</p> <p>8 allegations of in-person voter impersonation in the</p> <p>9 November 2012 election?</p> <p>10 A. I can't remember. I mean, I --</p> <p>11 Q. Okay. Did any legislator ask you or your</p> <p>12 office for information about in-person voter fraud in</p> <p>13 November 2012, in the November 2012 election?</p> <p>14 A. I don't know if they did or not.</p> <p>15 Q. Are you aware of any facts that indicate that</p> <p>16 the system wasn't working in the November 2012 election?</p> <p>17 A. What system?</p> <p>18 Q. The system in place to verify a voter's</p> <p>19 identity.</p> <p>20 A. Ask the question again.</p> <p>21 Q. Are you aware of any facts that indicate that</p> <p>22 the system to verify a voter's identity, in place in the</p> <p>23 November 2012 election, was not working?</p> <p>24 A. The November 2012. Was that pre-Voter ID or</p> <p>25 post-Voter ID?</p>

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29 (Pages 113 to 116)

<p style="text-align: right;">113</p> <p>1 Q. In November 2012, I'll represent to you that</p> <p>2 the Voter ID bill had not been implemented yet.</p> <p>3 A. So what I'm -- I don't understand what you're</p> <p>4 asking. Are you asking me --</p> <p>5 Q. If there are any facts that came out of that</p> <p>6 election that indicate to you that --</p> <p>7 A. I don't know.</p> <p>8 Q. Okay. What has your role been in implementing</p> <p>9 SB 14?</p> <p>10 A. My role has been making sure that our staff has</p> <p>11 the resources available to implement the parts of the</p> <p>12 bill that apply to the Secretary of State's Office.</p> <p>13 Q. And what parts are those?</p> <p>14 A. Off the top of my head, I cannot give you an</p> <p>15 exhaustive list, but after a bill is passed, there are</p> <p>16 certain duties that are given to the different</p> <p>17 agencies. We have a role in voter education and we have</p> <p>18 a role in making sure that -- educating the counties,</p> <p>19 educating the election workers statewide as to what the</p> <p>20 new changes have been in -- since the last legislative</p> <p>21 session, and getting ready for the next election</p> <p>22 cycle. My role is to make sure that the staff has the</p> <p>23 resources, the computers, the -- you know, the tangible,</p> <p>24 physical things they need to do their jobs on a daily</p> <p>25 basis.</p>	<p style="text-align: right;">115</p> <p>1 A. Well, it's not our program, it's the DPS</p> <p>2 program. We just -- we're helping them to get the word</p> <p>3 out, here's what's happening, and helping them to</p> <p>4 establish their program.</p> <p>5 Q. So is there any guideline or procedure for that</p> <p>6 responsibility or is that something that your office is</p> <p>7 just taking on?</p> <p>8 A. What do you mean by guideline, procedure?</p> <p>9 Q. I'm wondering how -- how the responsibilities</p> <p>10 in the EIC program are split up, how that -- who decides</p> <p>11 who has what authority, is that a regulation, a</p> <p>12 guideline, a procedure?</p> <p>13 A. Well, it's not really a regulatory --</p> <p>14 MR. SCOTT: Excuse me. Let me object to</p> <p>15 form.</p> <p>16 But go ahead.</p> <p>17 A. I don't understand it as being a regulatory</p> <p>18 function. It's a -- our office uses it as a marketing</p> <p>19 opportunity to get the word out.</p> <p>20 Q. (By Ms. Maranzano) So is --</p> <p>21 A. We don't have a statutory obligation on -- on</p> <p>22 EIC.</p> <p>23 Q. Okay. Has -- what are the steps the Secretary</p> <p>24 of State has taken to ensure that individuals who seek</p> <p>25 an EIC can obtain one?</p>
<p style="text-align: right;">114</p> <p>1 Q. Have -- has your office had a role in the EIC</p> <p>2 program?</p> <p>3 A. Yes, we have.</p> <p>4 Q. And what role has that been?</p> <p>5 A. To assist the DPS in development of -- excuse</p> <p>6 me, of that program.</p> <p>7 Q. How have you assisted DPS?</p> <p>8 A. Well, collaboratively working with them to</p> <p>9 develop partnerships between them and the counties so</p> <p>10 that they can -- we have those relationships with county</p> <p>11 elections administrators, and we've been able to work</p> <p>12 those counties statewide to help them in determining</p> <p>13 additional places where they could have their EIC</p> <p>14 locations.</p> <p>15 Q. Has the Governor's Office had any role in the</p> <p>16 EIC program?</p> <p>17 A. The role of no more than keeping them informed</p> <p>18 as to what we were doing.</p> <p>19 Q. Has the Lieutenant Governor's Office had any</p> <p>20 role in --</p> <p>21 A. Just in us keeping them informed with what</p> <p>22 we're doing.</p> <p>23 Q. Has -- where did the authority that the</p> <p>24 Secretary of State's Office has with regard to the EIC</p> <p>25 program come from?</p>	<p style="text-align: right;">116</p> <p>1 A. Well, we have a marketing -- a marketing</p> <p>2 campaign that is seeking to inform Texas voters of what</p> <p>3 the requirements are. We -- so that's a campaign that's</p> <p>4 ongoing right now. We've worked with DPS to market EICs</p> <p>5 and help them get the word out on EICs. And we are</p> <p>6 educating county officials and elections officials on --</p> <p>7 based on what Senate Bill 14 says. "Here's how you are</p> <p>8 to operate your local elections with these new</p> <p>9 requirements."</p> <p>10 Q. Did you work with DPS on the implementation of</p> <p>11 mobile EIC units?</p> <p>12 A. Yes, I did.</p> <p>13 Q. Did you work with DPS on the instigation of</p> <p>14 some hours on Saturdays where DPS would issue EICs?</p> <p>15 A. Well, when you say work with them, we -- that</p> <p>16 was a part of the whole -- that whole strategy of making</p> <p>17 time available.</p> <p>18 Q. That was DPS's -- part of DPS's strategy?</p> <p>19 A. Uh-huh.</p> <p>20 Q. And that was -- again, that was suggested to</p> <p>21 them by the Secretary of State's Office?</p> <p>22 A. I think when we started working with them, they</p> <p>23 already had that idea themselves, if I recall correctly.</p> <p>24 Q. Did you consider -- well, are there any other</p> <p>25 efforts that you're working on with regard to the EIC</p>

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<p style="text-align: right;">117</p> <p>1 program?</p> <p>2 A. No. None other than this, what we're currently</p> <p>3 doing.</p> <p>4 Q. And did you consider other options in terms of</p> <p>5 ensuring people could get EICs that you didn't end up</p> <p>6 implementing?</p> <p>7 A. None that I can remember. Just trying to get</p> <p>8 these that we were doing off the ground.</p> <p>9 Q. Do you believe that the Secretary of State's</p> <p>10 Office has the responsibility to ensure that individuals</p> <p>11 who are eligible for an EIC are able to obtain one?</p> <p>12 A. What do you mean?</p> <p>13 Q. Do you believe that it's part of your office's</p> <p>14 responsibility to ensure that somebody who is eligible</p> <p>15 to get an EIC is actually able to do so?</p> <p>16 A. I think our role is to inform the individuals.</p> <p>17 The role on issuing EIC is not a function of the</p> <p>18 Secretary of State's Office, it's a function of our</p> <p>19 sister agency, Department of Public Safety. What we</p> <p>20 were doing in this effort is casting a broad net, and as</p> <p>21 we educate people on the upcoming cycle, allow them to</p> <p>22 know that you have a -- you have this Election</p> <p>23 Identification Certificate available to you if you don't</p> <p>24 have one of these other forms of identification.</p> <p>25 Q. So you view the Secretary of State's role as</p>	<p style="text-align: right;">119</p> <p>1 A. You know, I guess when we entered it, we didn't</p> <p>2 enter it to terminate it.</p> <p>3 Q. Is there any legal requirement that the</p> <p>4 Secretary of State's Office and the DPS offer mobile EIC</p> <p>5 centers to voters for future elections?</p> <p>6 A. There's none that I'm aware of.</p> <p>7 Q. Would you say that the mobile EIC program is</p> <p>8 under discretion of the Secretary of State and DPS?</p> <p>9 A. I would -- I would say it's under the -- it's</p> <p>10 really a discretion more of the DPS and how they want us</p> <p>11 to continue to help them.</p> <p>12 Q. How were the locations for the mobile units</p> <p>13 selected?</p> <p>14 A. I can't give you -- we looked at different</p> <p>15 parts of the state. You know, we didn't have -- we</p> <p>16 looked at population areas, we looked at -- you know, we</p> <p>17 had this list of potential non-matches but didn't really</p> <p>18 know what that meant, and so you started looking on zip</p> <p>19 codes and where are the potential non-matches and you --</p> <p>20 and then we visited with local county elections</p> <p>21 administrators to initially decide who wanted to help in</p> <p>22 this effort initially and how we could work with them.</p> <p>23 Most of them were excited about the possible idea</p> <p>24 because we felt like -- everybody felt like we were</p> <p>25 dealing with the unknown. And they helped us determine</p>
<p style="text-align: right;">118</p> <p>1 more of the education and outreach role?</p> <p>2 A. That's what we were statutory designated to do.</p> <p>3 Q. Okay. Did -- did the Department of Public</p> <p>4 Safety and the Secretary of State's Office enter a</p> <p>5 memorandum of understanding regarding DPS-operated</p> <p>6 mobile units?</p> <p>7 A. I believe we did, yes.</p> <p>8 (Exhibit 13 marked for identification.)</p> <p>9 A. Okay.</p> <p>10 Q. (By Ms. Maranzano) I'm showing you what we</p> <p>11 marked as Deposition Exhibit 13.</p> <p>12 A. Yes, ma'am.</p> <p>13 Q. Do you recognize that?</p> <p>14 A. This was the Memorandum of Understanding</p> <p>15 between our agency and DPS.</p> <p>16 Q. Is it your understanding that either agency can</p> <p>17 terminate this agreement at any time?</p> <p>18 A. Oh, I've got to look back and see what we</p> <p>19 specifically say, but let's see.</p> <p>20 Q. If you want to look at Page 4.</p> <p>21 A. Page 4. Okay.</p> <p>22 Q. At the top.</p> <p>23 A. Okay. (Reading to himself.)</p> <p>24 Q. So is it your understanding that either party</p> <p>25 can terminate this agreement at any time?</p>	<p style="text-align: right;">120</p> <p>1 potential locations. They, the counties, worked with us</p> <p>2 to determine potential locations within their counties.</p> <p>3 Q. What was the potential no-match list?</p> <p>4 A. Excuse me?</p> <p>5 Q. Didn't you say you had a potential no-match</p> <p>6 list?</p> <p>7 A. It's one of those that we provided to you all</p> <p>8 earlier, the 7-800,000 number.</p> <p>9 Q. So I'm losing you a little bit. Do you mean</p> <p>10 it was something that you had provided to the Department</p> <p>11 of Justice?</p> <p>12 A. I don't know. I thought we provided it to you.</p> <p>13 It was a list of -- it was one of those bump-ups that we</p> <p>14 bumped up and it was like, okay, we have this, we don't</p> <p>15 know if these people have IDs or not because it's not</p> <p>16 conclusive. But you've got an XYZ in XYZ county, and</p> <p>17 XYZ zip code, you've got X number of people who are not</p> <p>18 a match. We don't know what those are, we don't know</p> <p>19 why they don't match, we don't know if they have an ID</p> <p>20 or not, but we have this number here.</p> <p>21 So we could potentially look at that.</p> <p>22 It's not the sole factor, but that in some areas, in</p> <p>23 some of your major metropolitan areas, that kind of</p> <p>24 helps you to figure out where do we need to be. And</p> <p>25 likewise, you know, DPS, long-term, looked at whether or</p>

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<p style="text-align: right;">121</p> <p>1 not there were DPS offices even in those counties.</p> <p>2 Q. So the no-match list was some -- was a list</p> <p>3 from one of the matching exercises that you previously</p> <p>4 testified about, correct?</p> <p>5 A. It wasn't one, it was "the" list. It was not</p> <p>6 something that came out of it, it was -- it was the</p> <p>7 list.</p> <p>8 Q. From a matching exercise between the DPS</p> <p>9 database?</p> <p>10 A. The only thing I know how to refer those to</p> <p>11 are, "no matches," I call them. That's my personal list</p> <p>12 of what I called it.</p> <p>13 Q. And did that list contain information about --</p> <p>14 what information was included on that list?</p> <p>15 A. Ma'am, I don't remember exactly. All I</p> <p>16 remember was, there was a number of potential no</p> <p>17 match -- no matches.</p> <p>18 Q. Do you recall whether there was any information</p> <p>19 on who on that list had voted in the past?</p> <p>20 A. I don't recall that, ma'am.</p> <p>21 Q. Do you recall if there's any information about</p> <p>22 the individual's race on that list?</p> <p>23 A. I don't -- I would think there wouldn't be</p> <p>24 because we don't have any racial information.</p> <p>25 Q. You don't collect racial information on your</p>	<p style="text-align: right;">123</p> <p>1 conference announcing it. I don't recall if there was</p> <p>2 -- the press showed up at any of the other locations or</p> <p>3 not.</p> <p>4 Q. Any other publicities that you can think of</p> <p>5 your office did with regard to mobile units?</p> <p>6 A. We did press releases. We did, you know, press</p> <p>7 releases, press announcements to let people know that</p> <p>8 this was going to happen. And we would also put up on</p> <p>9 our website --</p> <p>10 Q. Uh-huh.</p> <p>11 A. -- that these were the locations that it would</p> <p>12 happen. And really the counties did their -- who have</p> <p>13 those relationships with their local papers, they</p> <p>14 publicized it as well.</p> <p>15 Q. Okay. And are you planning to use mobile units</p> <p>16 in the future?</p> <p>17 MR. SCOTT: Objection, form,</p> <p>18 mischaracterizes SOS's role, previous testimony.</p> <p>19 You can answer.</p> <p>20 A. That's a function of DPS.</p> <p>21 Q. (By Ms. Maranzano) Are mobile units being --</p> <p>22 are mobile units in operation currently?</p> <p>23 A. I'm not aware of any being in operation right</p> <p>24 now.</p> <p>25 MR. SCOTT: Object to form.</p>
<p style="text-align: right;">122</p> <p>1 driver's license -- driver's licenses?</p> <p>2 A. I mean, without looking at it --</p> <p>3 Q. Okay.</p> <p>4 A. -- I don't know. I don't think we do.</p> <p>5 Q. And did you use that no-match list to also do</p> <p>6 PR or community education about the mobile units?</p> <p>7 A. What do you mean?</p> <p>8 Q. Did you use that no-match list to do any</p> <p>9 community education?</p> <p>10 A. When we -- when we went to a county and said</p> <p>11 we're going to be in Travis County, we, our staff worked</p> <p>12 with the County and our staff had to put out press</p> <p>13 releases that there was going to be a mobile unit at X</p> <p>14 location for X amount of time.</p> <p>15 Q. And did your staff do any other PR or was that</p> <p>16 left up to the county?</p> <p>17 A. I'm sorry?</p> <p>18 Q. Did you staff do any other publicity besides a</p> <p>19 press release or was that left to the county?</p> <p>20 A. Well, the county did their own and we put out</p> <p>21 press releases as well.</p> <p>22 Q. Okay. And was there any other publicity that</p> <p>23 your office did about the mobile units?</p> <p>24 A. Well, when it was initially announced, there</p> <p>25 was a major press effort -- press event -- press</p>	<p style="text-align: right;">124</p> <p>1 Q. (By Ms. Maranzano) Do you have any plans to use</p> <p>2 mobile units in advance of the November 2014 election?</p> <p>3 A. If DPS -- that's a call of DPS, if they're --</p> <p>4 Q. Has there been discussion of rerunning the</p> <p>5 no-match list to determine locations for mobile units?</p> <p>6 A. Not that I'm aware of.</p> <p>7 Q. And did the Secretary of State's Office provide</p> <p>8 the notice to the counties about the mobile units that</p> <p>9 you were -- that mobile units were coming to their</p> <p>10 counties?</p> <p>11 A. Well, we did it in conjunction with DPS.</p> <p>12 Q. Did you -- did you consider how much advance</p> <p>13 notice a county would need in order to do effective</p> <p>14 publicity about the mobile units?</p> <p>15 A. Well, we worked with those counties to see if</p> <p>16 they -- if they had the time and the resources to be</p> <p>17 able to help us with the effort. And those counties who</p> <p>18 were able to do it were the counties that, you know, we</p> <p>19 were able to work with. We didn't -- and those counties</p> <p>20 felt like they had the appropriate amount of time to do</p> <p>21 it.</p> <p>22 Q. Did any county officials express to you that</p> <p>23 they felt they didn't have enough notice to</p> <p>24 appropriately publicize a mobile unit coming to their</p> <p>25 county?</p>

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<p style="text-align: right;">125</p> <p>1 A. You know, I think I remember Travis County 2 saying something, but they had just as much time as 3 everybody else. 4 Q. Do you recall what your response was to Travis 5 County? 6 A. I think we worked with them on some dates that 7 were more accommodating for them, and they accepted. We 8 -- 9 Q. And have -- oh, I'm sorry. 10 A. We didn't force a unit on anybody. We asked 11 them, "Can you do this? Do you want to do this? And if 12 you don't want to do it, we'll go to a county that can." 13 So, anybody that took it, they accepted knowing what the 14 responsibilities were. 15 Q. How -- how much -- 16 A. It may have been Travis, I don't know. 17 Q. How much notice were you generally able to 18 provide to people? 19 A. Because I wasn't doing it on a day-to-day 20 basis, I wasn't the one doing it, I don't know the time 21 frame associated. 22 Q. Do you have a sense of if it was a couple of 23 days or if it was a week or it was? 24 A. It was probably more than a couple of days 25 because it takes more than that to actually deploy the</p>	<p style="text-align: right;">127</p> <p>1 the hours of the mobile units? 2 A. I don't know if it was DPS or I don't know if 3 it was the individual county. 4 Q. Okay. Do you know who was staffing the mobile 5 units? 6 A. Initially, it would have been DPS employees and 7 some of the county employees. The last round, there 8 were some staff members from our office which were 9 trained by DPS and certified by them to work as well, so 10 they went out and helped DPS and county employees as 11 well on staffing them. 12 Q. And for -- for units that were staffed by, say, 13 your office, would the hours still be determined by DPS 14 or a county? 15 A. Yes, ma'am. 16 Q. Okay. 17 A. As far as I -- we just assisted DPS in those 18 counties. We were never out there ourself alone. We 19 were out there with DPS -- 20 Q. I see. 21 A. -- or with the county. 22 Q. There were no units that were staffed solely by 23 Secretary of State's staff? 24 A. None that I can recall. I would have to go 25 back and look at that to see if there were, but I --</p>
<p style="text-align: right;">126</p> <p>1 equipment to the actual area. It could have been some 2 weeks. I don't know the exact amount of time. 3 Q. Did the Secretary of State have any role on the 4 hours that mobile units were in operation? 5 A. That was a function of DPS working with the 6 individual counties to determine what the hours were to 7 be. 8 Q. Do you know if any mobile units operate -- or 9 operated outside of regular business hours? 10 A. Ooh, I don't remember exactly the hours that 11 were associated with some of them. 12 Q. You don't recall. 13 A. I mean, I -- they could have. I mean, I don't 14 know. I think there were a couple that may have 15 operated on a Saturday. I don't know the specifics on 16 which one -- what the hours specifically were on all of 17 them, because there were -- there were 25 different 18 units going different places. And then you had the 19 counties that didn't have -- EIC that had -- it was -- 20 it was the counties that didn't have DPS offices that 21 had units, and it was more or less a function of the 22 personnel that DPS could provide and what they could 23 work out with that individual county as to how much time 24 they had and when they wanted to do it. 25 Q. So DPS made the sort of final decision about</p>	<p style="text-align: right;">128</p> <p>1 there were generally at least two people, and I don't 2 recall us sending two of our staff members to go to one 3 place. I don't recall that. 4 Q. Was that -- why did you decide to help staff 5 these units? 6 A. To help out. 7 Q. Uh-huh. 8 A. To help out. 9 Q. Did DPS have any resource issues in terms of 10 staffing the mobile units? 11 A. Well, DPS is a large agency, but they -- 12 they're a busy agency, and when you start asking, you 13 know, individuals to travel three and four days a week, 14 it becomes a challenge, and it would become a challenge 15 to our agency. But we have individuals in elections and 16 our field staff that were in some of these geographical 17 locations and it just made sense if they had a little 18 time, they could help out so that we could all spread -- 19 spread the wealth. 20 MS. MARANZANO: Mark that. 21 (Exhibit 14 marked for identification.) 22 A. Whew, got another one. All right. 23 Q. (By Ms. Maranzano) I'm showing you what we 24 marked as Deposition Exhibit 14. 25 A. Uh-huh.</p>

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<p style="text-align: right;">129</p> <p>1 Q. Do you recognize this?</p> <p>2 A. I don't recognize the actual document. I</p> <p>3 probably have seen it. I don't -- I know who the</p> <p>4 individual is.</p> <p>5 Q. Did you receive a copy of this letter?</p> <p>6 A. I probably did, ma'am.</p> <p>7 Q. And can you take a look at it and -- well, who</p> <p>8 is Bruce Elfant?</p> <p>9 A. He's the Travis County Tax Assessor/Collector.</p> <p>10 Q. And what -- what concerns is he raising in this</p> <p>11 letter about the EIC mobile units?</p> <p>12 MR. SCOTT: Objection, form,</p> <p>13 speculation. The document speaks for itself.</p> <p>14 A. I guess he's giving his opinion.</p> <p>15 Q. (By Ms. Maranzano) Do you see he raises a</p> <p>16 concern about the hours of operation of the mobile</p> <p>17 units?</p> <p>18 A. Okay.</p> <p>19 Q. Do you see that?</p> <p>20 A. Yes, ma'am.</p> <p>21 Q. And do you see that he raises a concern about</p> <p>22 notice?</p> <p>23 A. What do you mean by notice?</p> <p>24 Q. About the notice that was provided to him.</p> <p>25 A. I see it -- no, wait a minute, are you talking</p>	<p style="text-align: right;">131</p> <p>1 A. Correct.</p> <p>2 Q. Okay. And so after --</p> <p>3 A. I think. I think. I said correct. I don't</p> <p>4 know if this letter came before, but -- but or -- before</p> <p>5 he voiced his concerns or after.</p> <p>6 Q. Well, this letter is about his experience with</p> <p>7 working with the mobile EIC units, right?</p> <p>8 A. So I presume this is a letter that he provided</p> <p>9 after it was over? (Reading.)</p> <p>10 Okay. It appears that that's what it is.</p> <p>11 Q. So did you -- did you take any steps to respond</p> <p>12 to his concerns that he raised in this letter?</p> <p>13 A. I didn't personally. I don't know if</p> <p>14 Mr. Ingram did or not.</p> <p>15 Q. Did you all take into consideration his</p> <p>16 concerns as you went forward with the EIC mobile units</p> <p>17 program?</p> <p>18 A. Any feedback that any county can give on how to</p> <p>19 do it better, it was considered. I don't -- you know,</p> <p>20 when you're starting a new program and you're doing it</p> <p>21 for the first time, you've got to figure out what works</p> <p>22 and what doesn't work.</p> <p>23 Q. Did you encourage counties to try to have EIC</p> <p>24 on mobile unit operation -- mobile units operate outside</p> <p>25 of regular business hours or on the weekends?</p>
<p style="text-align: right;">130</p> <p>1 about --</p> <p>2 Q. In his letter.</p> <p>3 A. What specific statement are you talking about?</p> <p>4 Q. He says, "In a week and a half that we had to</p> <p>5 prepare for the outreach locations..."</p> <p>6 A. Uh-huh.</p> <p>7 Q. And he -- and then he raises concern there</p> <p>8 weren't weekend hours, correct?</p> <p>9 A. Uh-huh.</p> <p>10 Q. Was there a response made to Mr. Elfant, to the</p> <p>11 best of your knowledge?</p> <p>12 A. I don't know if there was a response from</p> <p>13 Mr. Ingram, but I know that we helped Travis County with</p> <p>14 their effort.</p> <p>15 Q. You did? In what ways?</p> <p>16 A. Well, we helped them to -- initially, he didn't</p> <p>17 want to participate. And we encouraged him, hey, to</p> <p>18 participate in the effort. "If you help -- if you get</p> <p>19 the locations, we'll help you publicize, DPS will</p> <p>20 provide the places for you, and they'll provide" -- I</p> <p>21 mean, "DPS will provide the staffing for you, and we can</p> <p>22 move forward."</p> <p>23 Q. So initially, was -- initially, when he voiced</p> <p>24 concerns, that predates this letter, right, because this</p> <p>25 looks like --</p>	<p style="text-align: right;">132</p> <p>1 A. That -- that was not our role. Our role was to</p> <p>2 get them to -- our role was to encourage them to work</p> <p>3 with DPS and even participate in the program. What they</p> <p>4 worked out with DPS was the function of the county and</p> <p>5 DPS.</p> <p>6 Q. So your role primary was just to try to get --</p> <p>7 A. To make the introduction.</p> <p>8 Q. I see.</p> <p>9 A. DPS doesn't know elections -- or didn't know at</p> <p>10 the time, elections, administrators or election</p> <p>11 workers. Our staff knows those individuals.</p> <p>12 Q. Uh-huh.</p> <p>13 A. We made the introductions, so they could work</p> <p>14 out their relationships and help where needed.</p> <p>15 Q. Now did counties enter into a -- enter a local</p> <p>16 cooperation contract with DPS when they -- when they</p> <p>17 would start to issue EICs?</p> <p>18 A. Ma'am, I have no idea.</p> <p>19 Q. You have no idea. Were you involved at all</p> <p>20 in the agreements that were made between the county</p> <p>21 offices and DPS?</p> <p>22 A. I don't think I was.</p> <p>23 Q. Okay. Do you know if counties -- well, some</p> <p>24 counties have been trained to issue EICs, correct?</p> <p>25 MR. SCOTT: Object to form, speculation.</p>

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<p style="text-align: right;">133</p> <p>1 A. I -- that wasn't what our office did, so I 2 don't know of -- I don't know what kind of training -- 3 there was contact with DPS and the counties. What they 4 trained them on, I don't know. 5 Q. (By Ms. Maranzano) So, your office had been 6 involved with the mobile units staffed by DPS? 7 A. Correct. 8 Q. Had your office been involved at all in helping 9 DPS with programs where they partner with county offices 10 and they train county staff issue EICs? 11 A. On those counties where -- where they 12 potentially were working with county elections 13 administrators in those counties, we probably did help 14 them get an introduction. 15 Q. Okay. And that was about as far as your role 16 went? 17 A. I don't know because there were other staff 18 members that were actually working day-to-day with DPS 19 on getting all of this set up. 20 Q. Okay. Which staff members were working on 21 that? 22 A. The elections division. 23 Q. Do you know who in the elections division? 24 A. Oh, man, this was a situation where it was all 25 hands on deck.</p>	<p style="text-align: right;">135</p> <p>1 A. I recognize it as being an e-mail. 2 Q. Do you recall seeing this e-mail? 3 A. I'm quite sure I did see it. 4 Q. Do you know what this e-mail is about? 5 A. It seems to be about counties that had 6 difficulty -- or either "declined based on lack of 7 facility, staffing, population or some combination of 8 the three." 9 Q. And was this about -- well, the subject line -- 10 or the attachment says "Copy of EIC County Judges." Do 11 you know if this was about -- related to the EIC 12 program? 13 A. I'm quite sure it was. 14 Q. And do you know what -- what these counties 15 were declining? 16 A. Well, they declined to -- at the point of this 17 e-mail, they declined to participate in the mobile EIC 18 units at this particular point. However, this is not to 19 say that they didn't ultimately end up participating. 20 Q. I understand that. But -- 21 A. This was a snapshot in time. 22 Q. Right, right. What I'm wondering though is, 23 what -- what's your understanding of why they were 24 declining. I mean, I see that it says "lack of 25 facility, staffing, population or some combination of</p>
<p style="text-align: right;">134</p> <p>1 Q. Do you know if counties have received any extra 2 resources for working on the EIC program? 3 A. I don't know. 4 Q. Has DPS received any extra resources for 5 working on the EIC program? 6 A. When you say resources? 7 Q. Appropriations? 8 A. I don't know if they received appropriations. 9 Some of the information -- we provided some assistance 10 with helping them get started with some of their 11 equipment. 12 Q. Has the Secretary of State's Office received 13 any additional resources for the EIC program 14 specifically? 15 A. No, ma'am. 16 Q. Have you heard from any counties, any concerns 17 that they don't have the resources to work on the EIC 18 program? 19 A. I haven't personally heard that. I do not know 20 if our election division has or not. 21 (Exhibit 15 marked for identification.) 22 Q. (By Ms. Maranzano) Okay. I'm showing you what 23 we've marked as Exhibit 15. 24 A. Uh-huh. 25 Q. Do you recognize this?</p>	<p style="text-align: right;">136</p> <p>1 those three." What was your understanding of what that 2 meant? 3 A. Just what it says. 4 Q. What does it mean to lack population? That -- 5 are they so small that -- 6 A. Some of these areas have very, very small 7 voting populations. 8 Q. Like can you give me a sense of how -- 9 A. I can't give you an exact number as to how -- 10 but extremely small. 11 Q. So were they saying that the voting population 12 was so small it wasn't worth the effort? 13 A. I don't know what they were saying in terms -- 14 I don't know. I just know that there are some counties 15 that have small populations of voters. 16 Q. So which -- on this list which would you 17 consider those counties to be? 18 A. Right off the top of my head, without having an 19 atlas to be able to tell me what the populations are, I 20 don't know. I do know that there are counties in Texas 21 that have small voting populations. I don't know the 22 exact number, but. 23 Q. Were these counties declining to have the 24 mobile unit come to their county or were they declining 25 to issue the EICs themselves or do you know?</p>

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<p style="text-align: right;">137</p> <p>1 A. I don't know but I would -- I don't know, okay?</p> <p>2 Let me look at their e-mail and read it.</p> <p>3 This appears to be related to mobile. And</p> <p>4 the reason I say that is because if it's dealing with</p> <p>5 our Office, it's dealing with mobile EICs.</p> <p>6 Q. Okay.</p> <p>7 (Exhibit 16 marked for identification.)</p> <p>8 A. A lot of exhibits.</p> <p>9 Q. (By Ms. Maranzano) Yeah.</p> <p>10 A. All right. Okay.</p> <p>11 Q. I'm showing you what we marked as Deposition</p> <p>12 Exhibit 16. Can you look at this and see if you</p> <p>13 recognize this?</p> <p>14 MR. SCOTT: Before you answer, let me take</p> <p>15 a peek at it since my name is on it.</p> <p>16 A. Okay.</p> <p>17 Q. (By Ms. Maranzano) Okay. Do you recognize this</p> <p>18 document?</p> <p>19 A. I recognize what's in it. You know, I'm not an</p> <p>20 e-mail person, just so you know.</p> <p>21 Q. Uh-huh.</p> <p>22 A. So I recognize what the -- you know, thousands</p> <p>23 of e-mails come across -- or hundreds of e-mails come</p> <p>24 across my desk. My staff knows if you want to talk to</p> <p>25 me about an issue, you come talk to me.</p>	<p style="text-align: right;">139</p> <p>1 have 5,000 people standing in line waiting for one of</p> <p>2 these. When they understood -- once the counties</p> <p>3 understood what was involved, that it was something that</p> <p>4 may happen occasionally and we wanted to make sure there</p> <p>5 was that access, they became more comfortable with it.</p> <p>6 Q. And did you usually tell counties this would</p> <p>7 only come up occasionally?</p> <p>8 A. No, only -- I mean, it's -- that's my</p> <p>9 characterization of -- of what would happen. What the</p> <p>10 actual staff members shared with them, I don't know the</p> <p>11 specifics of it but it was -- it was what we had seen</p> <p>12 based on what has happened in other counties --</p> <p>13 Q. Uh-huh.</p> <p>14 A. -- that continue to do this, is not going to be</p> <p>15 a difficult challenge for you.</p> <p>16 Q. If a county expressed concerns such as that</p> <p>17 their staff was overburdened, did you monitor those</p> <p>18 counties at all, sort of see how the implementation was</p> <p>19 going?</p> <p>20 A. We monitored every place that a -- when I say</p> <p>21 "we," not me personally, but the -- all of the counties</p> <p>22 where all the units were, and all the units were</p> <p>23 monitored by DPS staff. That information was shared</p> <p>24 with our election staff.</p> <p>25 Q. Okay. And who on your election staff received</p>
<p style="text-align: right;">138</p> <p>1 I recognize the people involved. I</p> <p>2 recognize what the issue is about.</p> <p>3 Q. Okay. Do you see towards the bottom of the</p> <p>4 page where it talks about -- it's the third paragraph</p> <p>5 from the bottom.</p> <p>6 A. Uh-huh.</p> <p>7 Q. And it talks about counties being nervous about</p> <p>8 the increased responsibility and that they're -- it</p> <p>9 refers to their staff as "their already overburdened</p> <p>10 staff."</p> <p>11 A. Uh-huh.</p> <p>12 Q. Do you recall that concern being raised?</p> <p>13 A. Uh-huh.</p> <p>14 Q. And how did you respond to that?</p> <p>15 A. Well, the response was, "Let's educate the</p> <p>16 counties on really what's involved." Any time the State</p> <p>17 or the Federal Government tells another body, "We'd like</p> <p>18 you to do something," there are concerns. What we had</p> <p>19 to do was just sit down with the counties and explain to</p> <p>20 them what's all involved in this process. And most of</p> <p>21 them, if I recall correctly, once they actually found</p> <p>22 out that they weren't having to buy any equipment, they</p> <p>23 weren't having to -- it wasn't going to, you know, cost</p> <p>24 them anything, a great deal, there weren't going to be,</p> <p>25 you know -- it wasn't anticipated that you're going to</p>	<p style="text-align: right;">140</p> <p>1 that information?</p> <p>2 A. I would say Mr. Ingram and anyone he would</p> <p>3 share it with.</p> <p>4 Q. Did you -- did you consider that staff who --</p> <p>5 who were, you know, self-identifying as overburdened,</p> <p>6 might -- might try to avoid additional work?</p> <p>7 MR. SCOTT: Objection, form, speculation.</p> <p>8 A. What do you mean?</p> <p>9 Q. (By Ms. Maranzano) I mean, I'm wondering if</p> <p>10 they have -- if staff that's already overburdened is</p> <p>11 given an additional responsibility, if they'll actually</p> <p>12 implement it effectively. Is that something that the</p> <p>13 Secretary of State's Office considered when they heard</p> <p>14 things from counties about county staff being</p> <p>15 overburdened?</p> <p>16 A. We work with counties to resolve their</p> <p>17 issues. I mean, whatever reasons a county gave, we</p> <p>18 tried to work with them to make them feel comfortable.</p> <p>19 I can't address an individual county's employee's, you</p> <p>20 know, concerns about -- I mean, I don't know what -- I</p> <p>21 don't know what the employees that they would have</p> <p>22 working on this, what else they're doing --</p> <p>23 Q. Uh-huh.</p> <p>24 A. -- so we just -- our effort was to make</p> <p>25 counties comfortable.</p>

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<p style="text-align: right;">141</p> <p>1 Q. Okay. And that's in the manner that you've</p> <p>2 already testified about in terms of the education effort</p> <p>3 to the counties. Okay.</p> <p>4 A. That is correct.</p> <p>5 Q. Did you consider that counties may have a</p> <p>6 different incentive to participate in the EIC program</p> <p>7 because of the additional work without additional</p> <p>8 resources?</p> <p>9 A. What do you mean additional work without</p> <p>10 additional resources?</p> <p>11 Q. Well, if they participate in the EIC, it's</p> <p>12 another task that they're given in addition to that</p> <p>13 everything they've already had to be doing, correct?</p> <p>14 A. Well, I mean, most of the counties are not --</p> <p>15 you know, 99 percent of them were excited about</p> <p>16 participating, except for, you know, the few that</p> <p>17 expressed concerns. And then once you walked them</p> <p>18 through and educated them on what was actually involved,</p> <p>19 they're like, "Okay."</p> <p>20 Q. And when you said you're monitoring the EIC --</p> <p>21 or your office is monitoring the --</p> <p>22 A. DPS is monitoring, and they're sharing</p> <p>23 information with us.</p> <p>24 Q. Okay. And has there been analysis done as to</p> <p>25 whether counties are effectively implementing the EIC</p>	<p style="text-align: right;">143</p> <p>1 a county that needed our assistance, we may have</p> <p>2 provided, without looking at data.</p> <p>3 Q. (By Ms. Maranzano) Okay. Well, are you aware</p> <p>4 of the hours of operations for counties that are issuing</p> <p>5 EICs?</p> <p>6 A. No, ma'am not specifically.</p> <p>7 Q. Okay.</p> <p>8 A. It's probably been shared with me but I don't</p> <p>9 remember.</p> <p>10 Q. Okay. Do you know if any of them are outside</p> <p>11 of regular business hours?</p> <p>12 A. I don't know.</p> <p>13 Q. Are you aware of any that are open on</p> <p>14 Saturdays?</p> <p>15 A. I don't know.</p> <p>16 (Exhibit 17 marked for identification.)</p> <p>17 Q. (By Ms. Maranzano) All right. I'm showing you</p> <p>18 what we've marked as Deposition Exhibit 17. Do you</p> <p>19 recognize this document?</p> <p>20 A. Like I said, I don't remember the specific</p> <p>21 document, but I recognize the participants in the</p> <p>22 document. I need to read it. (Reading.)</p> <p>23 Okay.</p> <p>24 Q. Okay. Can you look at the first paragraph.</p> <p>25 A. Uh-huh.</p>
<p style="text-align: right;">142</p> <p>1 program?</p> <p>2 A. There's been -- DPS has been doing some</p> <p>3 tracking of what has been going on with it, how many</p> <p>4 they've issued and so forth. I don't know that number</p> <p>5 off the top of my head, and I don't know the extent of</p> <p>6 what else they're doing with the analysis. I've seen</p> <p>7 some analysis but I'm not the holder of it. They've</p> <p>8 kind of showed it to me. Okay. We're in the infancy of</p> <p>9 this, you know, so I think it's kind of premature for us</p> <p>10 to say we have all-inclusive analysis. And we haven't</p> <p>11 had a -- haven't had our major election, which is coming</p> <p>12 up in November, yet.</p> <p>13 Q. Okay. I want to come back to that analysis in</p> <p>14 a minute. But with regard to the counties -- the</p> <p>15 counties that are participating, do you have any</p> <p>16 knowledge, I think you said you don't work with counties</p> <p>17 who are issuing EICs themselves, right? That you're --</p> <p>18 A. No, that's not what I said.</p> <p>19 Q. Apart from the mobile units, have you been</p> <p>20 involved in the counties that are issuing EICs out of</p> <p>21 county offices?</p> <p>22 MR. SCOTT: Objection, form, vague.</p> <p>23 A. Yeah, I don't -- I don't know how to answer</p> <p>24 that. I mean, DPS, we've been assisting them. There</p> <p>25 may be a county -- and I don't know, there may have been</p>	<p style="text-align: right;">144</p> <p>1 Q. And it says, in the second line, "which now</p> <p>2 gets us down to 31 counties that DPS will staff." Was</p> <p>3 there an effort to decrease the number of counties that</p> <p>4 DPS would be staffing?</p> <p>5 MR. SCOTT: Objection, form, calls for</p> <p>6 speculation.</p> <p>7 Q. What does that mean? I mean, you were cc'd on</p> <p>8 this e-mail, correct?</p> <p>9 MR. SCOTT: Objection, form, speculation.</p> <p>10 The document speaks for itself.</p> <p>11 A. Well, you know, it kind depends on how you</p> <p>12 interpret the word "down." To me -- on this particular</p> <p>13 document, to me, it means we're up to -- the same as up</p> <p>14 to.</p> <p>15 Q. (By Ms. Maranzano) So, how did you -- when you</p> <p>16 read this, you interpreted that to be the same as which</p> <p>17 now gets us up to 31 counties?</p> <p>18 A. I don't know.</p> <p>19 Q. Are you aware of whether DPS was trying to</p> <p>20 reduce the mobile units that it staffed?</p> <p>21 A. I'm aware that DPS was trying to get those --</p> <p>22 those counties covered. If county staff was available,</p> <p>23 okay. If DPS staff was available, okay. The objective</p> <p>24 here was, let's get these counties covered.</p> <p>25 Q. Did DPS have any resource issues staffing the</p>

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<p style="text-align: right;">145</p> <p>1 number of counties it needed to cover?</p> <p>2 A. I'm not --</p> <p>3 Q. You're not aware of that?</p> <p>4 A. You know, I -- I don't know what their resource</p> <p>5 level was in terms of staffing.</p> <p>6 Q. That was never a concern that was shared with</p> <p>7 you?</p> <p>8 A. Well, it was a concern of staff, who's going to</p> <p>9 do what, can we get as many people to help us as</p> <p>10 possible? And as I said, it was all hands on deck.</p> <p>11 Sure, these staff members have other responsibilities,</p> <p>12 but what do we need to do to work together?</p> <p>13 Q. Did you ever believe that you were stretching</p> <p>14 DPS's resources by -- well, strike that.</p> <p>15 When DPS started running the EIC program,</p> <p>16 do you know if it hired any additional staff solely for</p> <p>17 the EICs?</p> <p>18 A. I have no idea, ma'am.</p> <p>19 Q. Can you see the bottom of this e-mail --</p> <p>20 A. Uh-huh.</p> <p>21 Q. -- it talks about meeting with James Bass?</p> <p>22 A. Uh-huh.</p> <p>23 Q. Why you were meeting with James Bass?</p> <p>24 A. He was the interim director of the Texas</p> <p>25 Department of Transportation, and at that particular</p>	<p style="text-align: right;">147</p> <p>1 with Secretary of State personnel being trained to work</p> <p>2 in some of these mobile units?</p> <p>3 A. Yes, ma'am.</p> <p>4 Q. And in terms of this phrase, "special mobile</p> <p>5 EIC effort," what does that mean?</p> <p>6 A. I have no clue. It's just -- I think it's a</p> <p>7 term probably that they picked up. It was -- they were</p> <p>8 -- they were special because they were mobile.</p> <p>9 Q. I see. So there's not any subset of the</p> <p>10 mobile?</p> <p>11 A. No. They were different from the other ones.</p> <p>12 Q. Okay. Now I believe you testified earlier that</p> <p>13 you weren't necessarily involved in the decision for DPS</p> <p>14 to be opened on Saturdays?</p> <p>15 A. Correct.</p> <p>16 Q. Do you know anything about that program in</p> <p>17 which DPS offices are open on Saturdays?</p> <p>18 A. I just know that there were some locations that</p> <p>19 they agreed to keep open on Saturdays to make available</p> <p>20 for people to get EICs only.</p> <p>21 Q. And is it your understanding that DPS chose</p> <p>22 those locations or that the Secretary of State's Office</p> <p>23 suggested the locations for DPS?</p> <p>24 A. Those were DPS choices.</p> <p>25 Q. And is it your understanding that the DPS has</p>
<p style="text-align: right;">146</p> <p>1 time, we were seeing what other agencies, State</p> <p>2 agencies, that had facilities in all counties could</p> <p>3 potentially help.</p> <p>4 Q. And so you were looking to -- where it says "to</p> <p>5 discuss EIC assistance from his agency" --</p> <p>6 A. Uh-huh.</p> <p>7 Q. -- were you hoping to use his facilities?</p> <p>8 A. Hoping to use his facilities or maybe even some</p> <p>9 of his staff if he had them in some of those areas. But</p> <p>10 it was determined that some of the areas we were looking</p> <p>11 at -- and I don't remember the exact areas -- but there</p> <p>12 were not -- there was not staff at those facilities 8</p> <p>13 hours a day, 5 days a week.</p> <p>14 Q. So was he able to offer assistance to the EIC</p> <p>15 -- EIC assistance?</p> <p>16 A. I don't recall. I don't think he was, based on</p> <p>17 the counties that we were looking at, at that particular</p> <p>18 time. The counties that we were looking at did not have</p> <p>19 full-time staff at the locations in those counties.</p> <p>20 Q. Okay. And in the third paragraph, do you see</p> <p>21 there's a reference to Secretary of State personnel --</p> <p>22 A. Uh-huh.</p> <p>23 Q. -- assisting in the special mobile EIC effort?</p> <p>24 A. Uh-huh.</p> <p>25 Q. Is that what you previously testified about</p>	<p style="text-align: right;">148</p> <p>1 the discretion to discontinue that program at any time?</p> <p>2 MR. SCOTT: Objection, form, speculation.</p> <p>3 A. I don't have an understanding and I don't know</p> <p>4 what they -- what they did to come up with -- how they</p> <p>5 developed their program.</p> <p>6 Q. (By Ms. Maranzano) Do you -- do you know how</p> <p>7 many offices are open on Saturdays?</p> <p>8 A. No, ma'am.</p> <p>9 Q. Are you aware that prior to the implementation</p> <p>10 of SB 14, DPS was the source of frequent citizen</p> <p>11 complaints?</p> <p>12 MR. SCOTT: Objection, form.</p> <p>13 A. No, ma'am.</p> <p>14 Q. (By Ms. Maranzano) You never heard that?</p> <p>15 MR. SCOTT: Speculation, foundation.</p> <p>16 A. Speculate. They were -- they were what now?</p> <p>17 Q. (By Ms. Maranzano) They were the source of many</p> <p>18 citizen complaints?</p> <p>19 MR. SCOTT: Objection form, speculation,</p> <p>20 foundation, assumes facts not in evidence.</p> <p>21 Go ahead.</p> <p>22 A. Citizen complaints about what?</p> <p>23 Q. (By Ms. Maranzano) About DPS. You never heard</p> <p>24 from your constituents any concerns about long lines at</p> <p>25 DPS or inadequate service at DPS?</p>

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<p style="text-align: right;">149</p> <p>1 A. I mean, you hear things in the media, but no 2 questions directed to me. 3 Q. But you had heard that that was an issue? 4 A. Media accounts. 5 Q. Did you consider that fact when you were 6 planning the EIC program and working with DPS to 7 implement the EIC? 8 A. Consider what fact? 9 Q. The fact that you the heard that there are 10 issues with long lines or service from the DPS? 11 A. That wasn't a deciding factor on why we did 12 this. 13 Q. Was that at all a factor in how to go about 14 implementing the EIC program? 15 A. Not that I can recall. 16 Q. Has the Secretary of State's Office requested 17 any additional resources from the Legislature for the 18 EIC program? 19 A. No, ma'am. 20 Q. Is that because you believe you have sufficient 21 resources to run the EIC program? 22 MR. SCOTT: Objection, form, assumes facts 23 not in evidence, misstates testimony. 24 A. It's not our program. 25 Q. (By Ms. Maranzano) Okay. So do you have any</p>	<p style="text-align: right;">151</p> <p>1 A. Yes, ma'am, I have. 2 Q. Do you recognize it or the content of it? 3 A. I recognize the content. I don't remember the 4 specific -- I don't remember receiving it, but I'm quite 5 sure -- I know the issue here. 6 Q. Okay. And did you have any follow-up 7 conversations about the issue in this e-mail? 8 A. No, ma'am, I didn't. I don't recall having 9 any. 10 Q. Did you respond to anybody about this e-mail? 11 A. Not that I recall. 12 Q. And when you saw that applicants -- this 13 information in the e-mail about applicants arriving 14 without the necessary underlying documents, did you take 15 any steps to ensure that there was appropriate publicity 16 or education about the necessary underlying documents 17 required to get an EIC? 18 A. Based on this particular e-mail? 19 Q. Yes. 20 A. I don't recall doing anything, other than I 21 know my mode of operandi would be to make sure that it 22 had been publicized. 23 Q. So you don't recall taking any actions in 24 response to this e-mail, but your general -- your 25 general strategy was to try to make sure that</p>
<p style="text-align: right;">150</p> <p>1 plans to ask for resources for EIC -- for EIC-related 2 tasks? 3 A. We're doing fine the way we are. I mean, it's 4 a project that we're looking in it's infancy. Before 5 we're able to make any determinations on what else is 6 needed, we need to complete a full election cycle, and 7 that won't be until November. 8 Q. So is there a plan to assess the EIC program 9 after November? 10 A. You'd have to ask -- I'm quite sure there will 11 be but that will led by DPS. 12 Q. And will the SOS be involved in that? 13 A. If they choose to allow us to be involved. 14 (Exhibit 18 marked for identification.) 15 MS. MARANZANO: Do you want a break now? 16 THE COURT REPORTER: Okay. I could use 17 it. 18 (Recess 12:47 p.m. to 1:03 p.m.) 19 (Exhibit 19 marked for identification.) 20 Q. (By Ms. Maranzano) Okay. I am showing you 21 what we're marking as Deposition Exhibit -- 22 A. Uh-huh. 23 Q. -- 19. 24 A. Uh-huh. 25 Q. Can you take a look at that?</p>	<p style="text-align: right;">152</p> <p>1 information was publicized? 2 A. Well if you look at this e-mail, it says that 3 person who did not have a document said that they would 4 come to a different site the next day. 5 Q. Uh-huh. 6 A. And the other person really didn't want an EIC, 7 they wanted a state ID. 8 Q. But were you at all concerned that a person 9 didn't know what the underlying documentation was -- 10 that was required? 11 A. I don't know if the person didn't know or I 12 don't know if the person actually forgot the document. 13 I don't know why they didn't have a birth certificate. 14 Q. And so you didn't you take any actions in 15 response to this e-mail? 16 A. Well, it wouldn't have been necessary when the 17 person, according to the -- the feedback that we 18 received from the county administrator, the person said 19 they were coming back the next day. 20 Q. And did you -- did you get other e-mails like 21 this, to the best of your recollection? 22 A. I probably could have gotten those from 23 Mr. Ingram. But as I shared with you earlier, I'm not a 24 creature of e-mails. 25 Q. Uh-huh. Did you -- did you make an effort to</p>

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<p style="text-align: right;">153</p> <p>1 keep apprised of the EIC program and how many EICs were 2 being issued? 3 A. I kept up with what was going on with the 4 program. Without actually looking at the data, I can't 5 give you a specific number as to how many were issued on 6 XY date, but I kept -- I was briefed by staff, DPS. 7 Q. Okay. Can we -- can you look at now what we 8 marked as Exhibit 18 -- 9 A. Yes, ma'am. 10 Q. -- previously? I apologize for going out of 11 order. 12 A. That's okay. 13 Q. Does this e-mail or the content in it look 14 familiar to you? And there's also a back of the page. 15 A. It looks like it could have come to me, yes. 16 Q. Did you see reports like this that categorized 17 the issuance and inquiries of EICs; did you see things 18 like this regularly? 19 A. I think I did, yes. 20 Q. Do you know about how often you would see these 21 updates? 22 A. Ma'am, when we were doing this, we could have 23 had updates daily. I mean, our staffs were talking 24 daily, so it would not have been uncommon for this type 25 of document to have been provided on a weekly or daily</p>	<p style="text-align: right;">155</p> <p>1 Q. What did you do with this information? 2 A. Read it. 3 Q. And that's it? 4 A. Passed it on to someone if it needed to be. 5 Q. Like who? 6 A. Could have been other executive staff. Could 7 have been the Secretary himself. 8 Q. What would prompt you? What do you mean if it 9 needed to be, like what would prompt you to pass it on 10 to somebody? 11 A. Someone would ask, we would look at where we 12 were in the program, how many had been issued. 13 Q. So you looked at how many EICs were issued. 14 What were other pieces of information you were looking 15 at? 16 A. That was pretty much it, how many had been 17 issued. 18 Q. Did you look at how many inquiries had been 19 made? 20 A. Well, when I say issued, I'm looking at issued 21 and inquiries. 22 Q. Okay. 23 A. What activity -- what activity were they 24 relating? What activity was there related to mobile 25 EICs? Were questions asked? Or were cards actually</p>
<p style="text-align: right;">154</p> <p>1 basis. 2 Q. And did those -- did those go to you on a 3 weekly or daily basis? 4 A. Not necessarily. I could have been cc'd, or 5 they do have given it to the staff members, election 6 staff members that were -- were directly -- that 7 directly were working in that area. 8 Q. Would they have gone to Mr. Ingram -- 9 MR. SCOTT: Objection, form, speculation. 10 Q. (By Ms. Maranzano) -- on a daily or weekly 11 basis? 12 A. I don't know. 13 Q. Which staff? You said they would have gone to 14 the staff working in that area. Which staff were you 15 referring to? 16 A. When I say staff, it could have gone to some 17 other individuals in Exec. It could have gone to our 18 counsel. It could have gone to our communications 19 staff. It probably did come to me. It could have gone 20 to Keith Ingram or anyone that he had designated on his 21 staff. I didn't -- I don't know who all was put on the 22 e-mail chain. 23 Q. Okay. All right. Do you recall what you would 24 do when you received e-mails like this? 25 A. What do you mean?</p>	<p style="text-align: right;">156</p> <p>1 issued? 2 Q. And did you look at where the different regions 3 around the state that that was occurring in? 4 A. I saw it based on this. I don't know what 5 these regions are without looking at a map. Or -- when 6 I say a map, a TxDOT -- not TxDOT -- a DPS map, for 7 instance. I don't know what 1A, 1B is without them 8 having the actual document that would tell me what 1 -- 9 where 1A is. 10 Q. Did the EIC information that you would get 11 would be DPS-compiled information, so was it compiled 12 generally according to DPS regions? 13 A. This -- this information -- anything that we 14 get came to -- came to us from DPS. We -- I guess we -- 15 we work with them to figure out what it was, based on 16 their regions that they had, they would tell us it was 17 in this area, this region, we accepted that. 18 Q. Uh-huh. Okay. 19 (Exhibit 20 marked for identification.) 20 Q. (By Ms. Maranzano) Do you recognize this? I'm 21 showing what we've marked as Deposition Exhibit 20. 22 A. Uh-huh. 23 Q. Do you recognize this document or the content 24 within it? 25 A. I recognize -- like I said, I recognize -- this</p>

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<p style="text-align: right;">157</p> <p>1 appears to be a staff's report that was forwarded to me, 2 and I forwarded it to our counsel. 3 Q. And so this was -- was this a similar document 4 that was a status report sent by DPS to you about the 5 EIC issuances and inquiries? 6 A. It appears. I mean, you know, sometimes it 7 would look like this and sometimes it would like this. 8 Q. So it took the format that was either what's in 9 -- 10 A. It took the format of whatever way DPS wanted 11 to submit it to us. 12 Q. Okay. And when -- when you were getting 13 e-mails like what you looked at in Exhibit 18 or Exhibit 14 20, did you -- did you use the information in these 15 e-mails to target where mobile units should go? 16 A. No. I took this information, forwarded it to 17 our general counsel, so that he could give it to the 18 election staff, and the election staff would look at it 19 and make any determinations. But this was -- it appears 20 that this was information that was provided based on 21 sites that had already been selected. 22 Q. But the information contained, was that used to 23 evaluate where a good location might be to issue EICs or 24 mobile units or for providing information or education? 25 If you know?</p>	<p style="text-align: right;">159</p> <p>1 changes in procedure on what has happened, the end 2 result for me is, when it gets to me, it's we're going 3 to be in XYZ, Texas on this date at this particular 4 time. The election staff that's working the program 5 now, working the program with Mr. Ingram, if there are 6 technical issues, they're resolving those issues at that 7 level. 8 Q. Okay. 9 A. And I have not seen any that have risen to the 10 point, that I can recall off the top of my head, that 11 needed to be addressed by me. 12 Q. Okay. And when you say that you're not at the 13 point right now to sort of make changes to the EIC 14 program -- 15 A. Uh-huh. 16 Q. -- can you just describe to me what you mean by 17 that? 18 A. Well, generally, when new initiatives are taken 19 up by an agency between the time that the legislature is 20 in session and they come back, we will be at a point 21 after this particular election to present findings on 22 here's what happened. We'll be at a point where we can 23 give complete analysis of what worked and what did not 24 work. And at that point -- it would be premature for us 25 to make substantive big major changes when the biggest</p>
<p style="text-align: right;">158</p> <p>1 A. Well, it just provided information on 2 inquiries. It provided information on -- it appears to 3 be a report of just what happened during that inquiry. 4 Q. Are you aware of any changes that were made to 5 the EIC program based on information contained in the -- 6 in the reports that you received from DPS, such as what 7 we've seen in Exhibit 18 or Exhibit 20? 8 A. No. As I stated previously, this is an 9 evolving process, so any information you'd get would 10 help you to tweak the program for what works and what 11 doesn't work. I'm quite -- I feel comfortable that our 12 staff, if they saw something in one of these e-mails 13 that needed to be changed or tweaked, they changed or 14 adjusted, they shared that with DPS so that they could, 15 DPS could make the changes. But since -- you know, 16 we're -- significant changes in what needs to be done, 17 if the changes need to be made, we're not -- we're not 18 at that point in the process. 19 Q. Are you aware of any tweaks that were made by 20 your staff or recommended by your staff in the EIC 21 program? 22 A. I can't -- well, the changes were made -- we're 23 now allowing non-DPS staff, like our staff, to work with 24 DPS. That frees up a little more time. But we're -- if 25 there have been technical -- or if there had been</p>	<p style="text-align: right;">160</p> <p>1 election that we have in this cycle is yet to come. So 2 our hope is let's allow -- let's continue to tweak, 3 let's continue -- if there need to be minor adjustments, 4 let's -- nothing has -- nothing has occurred that I'm 5 aware of or can recall right now that would -- that 6 would seem to be a need for a major change right now. 7 We have an upcoming election. Once we complete that, 8 we'll be able to see, like, let's take the total concept 9 of primaries, major election -- general election, 10 constitutional election, you have them all that you've 11 had, now we can see in the whole total picture what's 12 worked and what hasn't worked. 13 Q. So -- 14 A. Because if something happens one time, it might 15 just be an accident or a fluke. But if there's a 16 consistent pattern of something happening, which I'm not 17 saying that there is, because it hasn't -- it hasn't 18 been reported, but once you have every type of a 19 potential election that you can have and you've gone 20 through it, then you present it to the Legislature and 21 see what the Legislature wants to do with it. 22 Q. Now, I guess -- okay. I guess what I'm 23 wondering, though, is that -- I mean, the EIC program is 24 -- it's largely within the discretion of DPS, correct? 25 MR. SCOTT: Objection, form.</p>

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<p style="text-align: right;">161</p> <p>1 Q. (By Ms. Maranzano) I mean -- okay. Let me 2 back up. The particulars of the EIC program are not 3 spelled out in SB 14, right? 4 MR. SCOTT: Objection, form. 5 Q. (By Ms. Maranzano) You can -- you can -- if 6 you need to refer back to the exhibit, I can -- I can 7 find it for you. 8 A. Are you saying -- what are you asking me about 9 the EIC in Senate Bill 14? Is it in it? 10 Q. No, that's not what I'm asking. I'm asking 11 about the way that the EIC program is implemented is not 12 written into SB 14, right? 13 A. I'm not aware of it being. 14 Q. So -- so I guess I'm -- I'm a little unclear on 15 why you would wait for the Legislature to go back into 16 session to make changes to the EIC program. 17 A. Now that's not what I said. 18 Q. Okay. Then maybe you can clarify. 19 A. What I said was we have a major election coming 20 up in November. 21 Q. Uh-huh. 22 A. At the end of November, we will have a total 23 picture of every type of election that you can have. 24 You would have had primaries, you would have had a 25 smaller constitutional election, you would have had a</p>	<p style="text-align: right;">163</p> <p>1 little bit on -- based on what we're doing now. I mean, 2 are you saying based on just the steps you're taking to 3 make EICs available? Or are you -- what are you looking 4 at to measure that this is how you should keep 5 implementing it? 6 A. Are you referring to the mobile units? Or -- 7 Q. No, no, I'm referring to the EIC 8 program generally. 9 A. Okay. The EIC program overall is not a 10 function of the Secretary of State's Office. 11 Q. Uh-huh. 12 A. I'm referring specifically to these mobile 13 units that we're helping DPS with. 14 Q. Okay. 15 A. And when I -- so when I refer to EICs, I'm not 16 talking about EICs for the whole state of Texas. That's 17 DPS. I'm talking about the effort that we're helping to 18 market these mobile units and do -- because the mobile 19 unit is more of a marketing issue than a regulatory 20 function, statutory function, that has been given to 21 DPS, not to us. 22 Q. Now, do you -- do you consider the SOS 23 involvement in the EIC program to be limited to the 24 mobile units? 25 A. As educating people about limited to the mobile</p>
<p style="text-align: right;">162</p> <p>1 major general election. At that particular point, when 2 you -- when you analyze all of that data, then you can 3 better -- in my opinion as a manager -- determine what 4 has worked and what has not worked. 5 Q. Okay. 6 A. When you do that -- November, it takes you a 7 while to get it done -- when you finish that analysis, 8 guess what, the Texas Legislature is in session. If 9 there is a need for something legislatively to occur for 10 this to continue, we will know that. Otherwise, we will 11 be able to keep doing what we're doing. 12 Q. In terms of a evaluating the EIC program, have 13 you considered whether it might be -- it might -- you 14 might want to evaluate it prior to the November 2014 15 election so that you can make sure you're implementing 16 the program effectively before a major federal election? 17 A. Well, based on what we have done so far, we 18 feel pretty comfortable with how we're implementing it. 19 Q. Okay. And what are you referring to when you 20 say based on what you've done so far? 21 A. Based on -- based on how the program is 22 operating now. We feel comfortable that that's the way 23 we should continue to do it as we approach the general 24 election. 25 Q. Okay. And I'm just -- I'm just moving you a</p>	<p style="text-align: right;">164</p> <p>1 units and educating people about what the requirements 2 are for voting. 3 Q. Okay. But have you used the information that 4 you've received from DPS to -- to change or refocus your 5 education at all? 6 A. Well, what do you mean? 7 Q. Well, when you get information from DPS that 8 has different inquiries that are made, have you used 9 that at all to evaluate your education program or to 10 change your education program? 11 A. Well, the information that you've shown me 12 today in terms of their inquiries, and I can't remember 13 the others without looking at them, doesn't indicate to 14 me that our effort to educate individuals has not been 15 successful. 16 Q. But as you sit here today, I'm just wondering 17 if you've received any information from DPS that has led 18 you to evaluate or make any changes to either your 19 education program or your mobile units? 20 A. No, I don't think we've received information 21 that warrant those types of changes as of yet. 22 (Exhibit 21 marked for identification.) 23 Q. (By Ms. Maranzano) I'm showing you what we've 24 marked as Deposition Exhibit 21. 25 A. Right.</p>

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<p style="text-align: right;">165</p> <p>1 Q. Have you ever seen this or contents similar to</p> <p>2 this?</p> <p>3 A. You know, ma'am, I have seen some data</p> <p>4 language, but it was not in this -- it was in a -- it</p> <p>5 wasn't -- it didn't -- it was not packaged like this.</p> <p>6 Q. Okay. Where have you seen data similar to</p> <p>7 this?</p> <p>8 A. Well, DPS showed it to me.</p> <p>9 Q. Have you heard of DPS's SharePoint site?</p> <p>10 A. Personally, I haven't.</p> <p>11 Q. Okay. Are you familiar with how DPS is</p> <p>12 maintaining information about the EICs?</p> <p>13 A. I just know that they provided information to</p> <p>14 us. How they're doing it, I don't know.</p> <p>15 Q. When did they provide information that was</p> <p>16 similar to this?</p> <p>17 A. Well, they provided it to us when they sat down</p> <p>18 with us and met with us about next steps after we had</p> <p>19 had our -- I don't remember the exact day, but after our</p> <p>20 constitutional amendment election that we had.</p> <p>21 Q. And what happened in that meeting about next</p> <p>22 steps?</p> <p>23 A. Well, we just kind of -- we talked about what</p> <p>24 happen -- I mean, they talked to tell us where things</p> <p>25 had happened. And we talked about how we could</p>	<p style="text-align: right;">167</p> <p>1 them to do this?" And they looked and said, "Yes, we</p> <p>2 can."</p> <p>3 Q. Okay. But it was -- it was the suggestion of</p> <p>4 someone from the Secretary of State's Office, can we be</p> <p>5 trained?</p> <p>6 A. It was probably my suggestion.</p> <p>7 Q. Okay. Now, do you see --</p> <p>8 A. Actually, I think it was mine.</p> <p>9 Q. Do you see as of the date that this was printed</p> <p>10 out or issued --</p> <p>11 A. Where is that?</p> <p>12 Q. Well, there's not a date on here, but you can</p> <p>13 look -- if you look at the various dates, it's certainly</p> <p>14 at least late May 2014.</p> <p>15 A. Oh, Lord.</p> <p>16 Q. Now, on the very first page, do you see at that</p> <p>17 time there is -- the EICs approved and issued, it says</p> <p>18 those are 266?</p> <p>19 A. Uh-huh, yes, ma'am.</p> <p>20 Q. Does that sound about right to your</p> <p>21 recollection that as of late May 2014?</p> <p>22 A. It -- if this is a document that -- that they</p> <p>23 showed us, it sounds right.</p> <p>24 Q. Do you have a reaction to that number?</p> <p>25 A. No.</p>
<p style="text-align: right;">166</p> <p>1 potentially get SOS employees trained and other agency</p> <p>2 staff trained.</p> <p>3 Q. Was that the only change to the program that</p> <p>4 was discussed at that meeting?</p> <p>5 A. I think so.</p> <p>6 Q. Was --</p> <p>7 A. I don't --</p> <p>8 Q. I'm sorry.</p> <p>9 A. I think DPS has procedures on how they do</p> <p>10 things. And I think by the time they had this meeting,</p> <p>11 they had their internal procedures set up for how they</p> <p>12 were going to operate the next time. What those</p> <p>13 procedures were, I don't know. All I wanted to be able</p> <p>14 to do was tell me -- tell me and my staff where to show</p> <p>15 up so we can be trained. Because just the size of our</p> <p>16 agencies cause us to do things differently.</p> <p>17 Q. Was it the Secretary of State's Office or DPS</p> <p>18 who suggested that SOS staff be trained?</p> <p>19 A. Well, we just kind of asked. We were just, as</p> <p>20 we sitting around the table, "Is this something I can</p> <p>21 train? We -- our staff members are elections</p> <p>22 inspectors, and there's a training process, and I just</p> <p>23 got to ask can we potentially train some of our staff</p> <p>24 members who are good at elections inspecting, understand</p> <p>25 the elections process, can we possibly train some of</p>	<p style="text-align: right;">168</p> <p>1 Q. No reaction?</p> <p>2 A. What type of reaction are you looking for?</p> <p>3 Q. Does it seem small? Does it seem large? Does</p> <p>4 it seem about what you would expect?</p> <p>5 A. My reaction is there were voters that needed a</p> <p>6 card, we provided a service, and if it had been one, one</p> <p>7 more voter has that opportunity to have the data they</p> <p>8 need. I mean, I -- I'm not quite sure how you want me</p> <p>9 to evaluate it.</p> <p>10 Q. Do you believe that most voters in Texas</p> <p>11 already have forms of ID that are required by SB 14?</p> <p>12 MR. SCOTT: Objection, form, foundation.</p> <p>13 A. I don't know.</p> <p>14 Q. (By Ms. Maranzano) When you see -- when you</p> <p>15 see the number 266 EICs issued -- and this was probably</p> <p>16 late May of 2014. Do you recall when you started</p> <p>17 running the EIC program?</p> <p>18 MR. SCOTT: Objection, form,</p> <p>19 mischaracterizes his testimony.</p> <p>20 Q. (By Ms. Maranzano) I'm sorry. Let me just</p> <p>21 rephrase.</p> <p>22 Do you recall when the State started to</p> <p>23 issue EICs?</p> <p>24 A. Ma'am, I can't remember the exact date. It was</p> <p>25 sometime in -- wait. Wait. Ask me the question again.</p>

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<p style="text-align: right;">169</p> <p>1 Q. When did EICs start to be issued?</p> <p>2 A. The first one, I have to go back and look. I</p> <p>3 don't have a firm date as to when DPS started doing</p> <p>4 that.</p> <p>5 Q. Do you think that -- have you considered</p> <p>6 whether the EIC program could be doing a better job?</p> <p>7 A. That's not my role to do.</p> <p>8 Q. You don't consider that your role?</p> <p>9 A. No, because we're not -- are you talking about</p> <p>10 mobile EICs? Are you talking about EICs --</p> <p>11 Q. We're talking about the overall program.</p> <p>12 A. Your question again?</p> <p>13 Q. Have you considered whether the EIC program</p> <p>14 could be improved?</p> <p>15 A. That's not my role to consider.</p> <p>16 Q. Do you think if you made suggestions to DPS</p> <p>17 about ways to improve the EIC program, they would listen</p> <p>18 to those suggestions?</p> <p>19 A. I think DPS would listen to anyone that gave</p> <p>20 them constructive positive advice that would help them.</p> <p>21 Q. Are you aware that DPS has actually changed</p> <p>22 items in the EIC program at the suggestion of the</p> <p>23 Secretary of State's Office?</p> <p>24 A. That could have happened. Specifically what</p> <p>25 those changes are, without someone recalling them for</p>	<p style="text-align: right;">171</p> <p>1 determine if eligible individuals are actually able to</p> <p>2 obtain EICs?</p> <p>3 A. What do you mean?</p> <p>4 Q. Have you made any effort to determine whether</p> <p>5 individuals who are eligible for an EIC are actually</p> <p>6 getting through the process and getting an EIC issued to</p> <p>7 them?</p> <p>8 A. How would we know who those people are?</p> <p>9 Q. Well, I'm asking you if you've made any efforts</p> <p>10 to look into this.</p> <p>11 A. I don't know how we would determine who those</p> <p>12 people are.</p> <p>13 Q. You don't know how you would determine who the</p> <p>14 people are who are getting EICs?</p> <p>15 A. No. I thought your question was are we -- I</p> <p>16 understood your question to me to be: Are we aware or</p> <p>17 are we working with individuals who were trying to get</p> <p>18 EICs. Is that your question?</p> <p>19 Q. My question is: Are you making any effort to</p> <p>20 look into the process of getting an EIC and whether</p> <p>21 people who are eligible for an EIC are actually getting</p> <p>22 EICs?</p> <p>23 A. That's not our role.</p> <p>24 Q. So have you done that? I take it that's a no,</p> <p>25 but I just want to be clear.</p>
<p style="text-align: right;">170</p> <p>1 me, I can't name them.</p> <p>2 Q. Do you recall that initially DPS was taking</p> <p>3 fingerprints of EIC applicants?</p> <p>4 A. I don't know if I remember. Ma'am, I can't</p> <p>5 recall if they were or not.</p> <p>6 Q. Okay. So you wouldn't be aware that --</p> <p>7 A. I may have been aware at one time, but I don't</p> <p>8 remember specifically if they were doing it, but I -- I</p> <p>9 just can't recall.</p> <p>10 Q. Do you know if anyone from the Secretary of</p> <p>11 State's Office suggested to them that they should stop</p> <p>12 doing that practice?</p> <p>13 A. Like I said, I don't remember. I don't</p> <p>14 remember specifically what they were doing. If they</p> <p>15 were doing that, that could have been a conversation</p> <p>16 that someone in our office did have with me.</p> <p>17 Q. And you don't know if that occurred?</p> <p>18 A. I don't remember -- I don't remember</p> <p>19 specifically fingerprinting.</p> <p>20 Q. Do you recall any other parts of the EIC</p> <p>21 program that were changed at the suggestion of the</p> <p>22 Secretary of State?</p> <p>23 A. Not without staff coming to me and refreshing</p> <p>24 my memory.</p> <p>25 Q. Have you or your office made any effort to</p>	<p style="text-align: right;">172</p> <p>1 A. No, I mean, I don't -- I really don't know what</p> <p>2 you're looking for, to be able to answer your question.</p> <p>3 Statutorily how that program works on EICs is not a</p> <p>4 function of our office. We're only responsible for</p> <p>5 educating people as to here are the requirements for</p> <p>6 voting. Analysis of EICs, what works and what doesn't</p> <p>7 work, is not a function of the Secretary of State's</p> <p>8 Office. That's a function of DPS and whoever else the</p> <p>9 Legislature deems should do that. And they've not</p> <p>10 deemed that the Secretary of State's Office should do</p> <p>11 that at this point.</p> <p>12 Q. Do you think that the Secretary of State's</p> <p>13 Office could fulfill its implementation responsibilities</p> <p>14 more effectively if it had more regulatory authority</p> <p>15 under SB 14?</p> <p>16 A. I think we're very effective in what we're</p> <p>17 doing right now.</p> <p>18 Q. Can you look back at Exhibit 21 and look at the</p> <p>19 third page for me?</p> <p>20 A. Uh-huh.</p> <p>21 Q. And do you see on this page, it actually breaks</p> <p>22 down the number of EICs that are issued at mobile units</p> <p>23 and driver's license offices and county offices.</p> <p>24 A. Are you talking about this fourth column over</p> <p>25 here?</p>

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<p style="text-align: right;">173</p> <p>1 Q. Yes, exactly.</p> <p>2 A. Okay. Okay.</p> <p>3 Q. Now, did you use this information to assess the</p> <p>4 mobile unit program at all?</p> <p>5 A. I didn't personally. I don't know if our staff</p> <p>6 did.</p> <p>7 Q. Did you talk to any staff about that?</p> <p>8 A. About this particular document?</p> <p>9 Q. Uh-huh.</p> <p>10 A. I don't recall having a conversation with staff</p> <p>11 about this document.</p> <p>12 Q. Did you have conversations with staff about the</p> <p>13 fact that DPS was gathering this information and they</p> <p>14 could use it as a way to assess the mobile unit program?</p> <p>15 A. I didn't have a discussion with them about</p> <p>16 assessing the mobile unit based on this information, but</p> <p>17 staff was available and staff was in the meeting where</p> <p>18 DPS provided this information.</p> <p>19 Q. So are you aware of whether your staff used</p> <p>20 this information to make any assessment or changes to</p> <p>21 the EIC mobile unit program?</p> <p>22 A. I'm not aware of how you would use this data,</p> <p>23 because right now it's just numbers. When you have 25</p> <p>24 mobile units and you got 254 counties, it's kind of safe</p> <p>25 to say that you probably won't be in the same place you</p>	<p style="text-align: right;">175</p> <p>1 how many EICs are issued by county and zip code?</p> <p>2 A. Uh-huh.</p> <p>3 Q. Have you used this information at all when</p> <p>4 you're planning on your voter education program?</p> <p>5 A. No. Our voter education program is -- uses</p> <p>6 different analysis to target where we go, where --</p> <p>7 target the state, the entire state.</p> <p>8 Q. What analysis does your voter education program</p> <p>9 use?</p> <p>10 A. We have an outside vendor we hired. They do</p> <p>11 market analysis. And based on that market analysis, it</p> <p>12 teaches us, it shows us how to effectively cover the</p> <p>13 entire state of Texas during our marketing campaign.</p> <p>14 Q. Can you -- can you take a look two pages back</p> <p>15 on page 5?</p> <p>16 A. Two pages back from here?</p> <p>17 Q. Yes.</p> <p>18 A. All right. I can't even see this.</p> <p>19 Q. Do you see there's information about different</p> <p>20 demographics of EIC applicants?</p> <p>21 A. Okay.</p> <p>22 Q. Was there any analysis that you or your office</p> <p>23 conducted related to the race of the -- the applicants?</p> <p>24 A. Ma'am, as I said before, we have not done any</p> <p>25 analysis at this point because too early in the game.</p>
<p style="text-align: right;">174</p> <p>1 were last time the next time you do it.</p> <p>2 Q. Have you used the number of EICs issued from</p> <p>3 mobile units to --</p> <p>4 A. To do what?</p> <p>5 Q. To make any changes to your mobile unit</p> <p>6 program.</p> <p>7 A. As I've consistently said, it's too early in</p> <p>8 the game to make holistic changes in the mobile EIC</p> <p>9 program because the biggest election and the biggest</p> <p>10 election cycle is yet to come.</p> <p>11 Q. And can you look on -- on the seventh page of</p> <p>12 this document?</p> <p>13 A. One, two, three, four, five, six, seven. Are</p> <p>14 we on the same page?</p> <p>15 Q. Does it have a list of counties?</p> <p>16 A. Did I count wrong?</p> <p>17 Q. Maybe I counted wrong.</p> <p>18 A. One, two, three, four, five, six -- I counted</p> <p>19 wrong. Forgive me, seven, yes, ma'am.</p> <p>20 Q. Have you used this information about the EICs</p> <p>21 issued in different counties and different zip codes to</p> <p>22 -- to target your education at all, your voter</p> <p>23 education?</p> <p>24 A. Have we done what now?</p> <p>25 Q. Well, do you see that there's information about</p>	<p style="text-align: right;">176</p> <p>1 Q. And have you considered the racial breakdown of</p> <p>2 EIC applicants --</p> <p>3 A. We've not --</p> <p>4 MR. SCOTT: Let her finish.</p> <p>5 Q. (By Ms. Maranzano) -- as you plan for future</p> <p>6 EIC mobile outreach or voter education outreach.</p> <p>7 A. We've not made any considerations at this</p> <p>8 particular point. It is too early in the game.</p> <p>9 Q. Have you instructed DPS or had any discussions</p> <p>10 with DPS about the information they contained -- they</p> <p>11 gathered and how to evaluate the program based on it?</p> <p>12 A. Not at this point.</p> <p>13 Q. What -- what is the purpose of gathering all</p> <p>14 this information now?</p> <p>15 A. You would have to ask DPS that. This is their</p> <p>16 information.</p> <p>17 Q. Are you aware of the number of individuals who</p> <p>18 have received the disability exemption under SB 14?</p> <p>19 A. No, ma'am.</p> <p>20 Q. If I told you that as of January 15, 2014, 18</p> <p>21 individuals have received the disability exemption, what</p> <p>22 would be your reaction to that number?</p> <p>23 A. I don't have a way to react to it because I</p> <p>24 don't know what the circumstances are.</p> <p>25 Q. You don't think it's a -- you have no reaction</p>

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<p style="text-align: right;">177</p> <p>1 to knowing the number of registered voters in the state 2 of Texas, which I assume you know, do you have any 3 reaction to the fact that 18 people have received the 4 disability exemption? 5 A. I don't know the circumstances -- 6 MR. SCOTT: Objection, form. 7 A. I don't know the circumstances behind that 8 number. 9 Q. (By Ms. Maranzano) What do you mean by the 10 circumstances? 11 A. I don't know what -- I don't know anything 12 about that particular number. I don't know. 13 Q. Okay. Have you done any outreach with 14 disability groups to ensure that they're aware of the 15 disability exemption? 16 A. Our office has -- with this particular 17 campaign, our office works with all groups and our 18 office interacts with advocates for disabilities to make 19 sure that their issues are addressed. 20 Q. What do you mean by this particular campaign? 21 Did you say with regard to -- 22 A. Well, with any particular campaign. 23 Q. Okay. 24 A. Any particular election, our office -- campaign 25 is the incorrect word. Election, election cycle. We</p>	<p style="text-align: right;">179</p> <p>1 A. I mean, I don't know if they're considering it 2 or if it's being done. I don't know. I mean, we're -- 3 I would have to ask my elections staff have they done 4 that yet or is that something that is going to be done. 5 I personally don't know. 6 Q. Okay. Do you know if there's been any request 7 to the counties to do any such analysis? 8 A. I'm -- I'm -- I don't know. 9 Q. Are you aware of any errors by a county in 10 counting the provisional ballot that was cast by 11 somebody without an ID? 12 A. Me personally? 13 Q. Uh-huh. 14 A. I'm not aware. I'm not saying it didn't 15 happen. 16 Q. I was just about to ask you: Would you be 17 aware, if that was something that had happened, do you 18 believe you would be aware of it? 19 A. If it were shared with our staff, I hope 20 someone would have shared it with me. 21 Q. Has the Secretary of State's Office done any 22 analysis on what populations are more likely to vote by 23 mail? 24 A. What do you mean by populations? 25 Q. The demographics of people who are more likely</p>
<p style="text-align: right;">178</p> <p>1 frequently work, we being our election staff, we're 2 doing work with the advocates of -- of those with 3 disabilities to make sure that their issues are 4 addressed. 5 Q. And have you worked with them specifically on 6 education about the disability exemption contained in SB 7 14, to the best of your knowledge? 8 A. I would hope that our staff has been 9 interacting with them as they've have been directed to 10 interact with several different individuals and groups 11 as it relates to Senate Bill 14. We're -- if there's an 12 issue, we want to address it with our constituent group. 13 Q. Do you know what other advocacy groups your 14 office is working with? 15 A. Ma'am, off the top of my head, I -- I can't -- 16 Elections would have to tell me exactly who, because 17 they've been working with them. Nothing at this 18 particular point has risen to the -- to the role where 19 these could be addressed by me, and it's been 20 effectively handled by our election staff. 21 Q. Has the Secretary of State's Office done any 22 analysis of how many individuals have voted 23 provisionally because they lacked photo ID? 24 A. I don't know. 25 Q. You don't know of any analysis?</p>	<p style="text-align: right;">180</p> <p>1 to vote by mail. 2 A. I can't say specifically that has been done or 3 not. 4 Q. Do you have any knowledge, as you sit here 5 today, about the demographics of people more likely to 6 vote by mail? 7 A. Personally, probably not. 8 Q. Would you agree that in many African American 9 communities there's a tradition of voting in person? 10 A. Versus what? 11 Q. Voting by mail. 12 A. If -- I don't know. If that's what the -- I 13 don't know what the statistics say. 14 Q. You have no knowledge as you sit here today? 15 A. I know how I vote. 16 Q. But I'm asking about African American 17 communities in general. Do you have any knowledge? 18 A. Statistically? 19 Q. Statistically or any other way. 20 A. Why would I? 21 Q. I'm just wondering would you agree -- 22 A. I can't agree with -- I cannot agree based on 23 the fact that I've not studied it. 24 Q. Okay. Has the Secretary of State's Office done 25 any analysis of voter turnout since SB 14 has been</p>

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<p style="text-align: right;">181</p> <p>1 implemented?</p> <p>2 A. I think we -- we know voter totals for the</p> <p>3 constitutional amendment elections that we've had. I</p> <p>4 can't give you specifics, but I do know that the total</p> <p>5 number of voters was up.</p> <p>6 Q. And --</p> <p>7 A. Or increased.</p> <p>8 Q. Would you say that there's a number of</p> <p>9 different factors that impact voter turnout on any given</p> <p>10 election?</p> <p>11 A. I guess that could be said about any election.</p> <p>12 Q. Do you know what some of those factors are?</p> <p>13 A. You know, it could be a number of things. It</p> <p>14 could be the issues. It could be the candidates. There</p> <p>15 are a plethora of different issues that affect why a</p> <p>16 person decides they want to go to the polls, and there's</p> <p>17 nobody that has a silver-bullet answer as to if people</p> <p>18 are going to turn out or not.</p> <p>19 Q. Have you ever heard that the weather can be a</p> <p>20 factor in voter turnout?</p> <p>21 A. I've heard the press say that.</p> <p>22 Q. When you -- when you look at election turnout,</p> <p>23 do you factor -- do you try to factor in these different</p> <p>24 -- these different issues that can impact voter turnout?</p> <p>25 A. Me personally?</p>	<p style="text-align: right;">183</p> <p>1 that?</p> <p>2 A. Like I said, I don't know the specifics of it.</p> <p>3 I would -- if -- I don't know. If it's election-related</p> <p>4 and if he's been asked, I'm quite sure he probably would</p> <p>5 be involved.</p> <p>6 Q. So do you know any of the details of what this</p> <p>7 study is looking at?</p> <p>8 A. Not at this point.</p> <p>9 Q. Okay. Do you believe DPS is the appropriate</p> <p>10 agency to be issuing EICs?</p> <p>11 A. That's not for me to determine.</p> <p>12 Q. Apart from this responsibility of issuing EICs,</p> <p>13 DPS doesn't have any other election-related functions,</p> <p>14 correct?</p> <p>15 A. Well, I mean, they -- other than providing</p> <p>16 their data, I mean, their list to us.</p> <p>17 Q. Their list?</p> <p>18 A. Of voters for like voter jury wheel and stuff</p> <p>19 like that.</p> <p>20 Q. I see. So it provides the jury wheel to you to</p> <p>21 use --</p> <p>22 A. We get DPS data from DPS.</p> <p>23 Q. I see. And apart from that, which is mostly</p> <p>24 just providing you with data, it doesn't have any other</p> <p>25 election-related responsibilities, correct?</p>
<p style="text-align: right;">182</p> <p>1 Q. Yes.</p> <p>2 A. I look at the numbers.</p> <p>3 Q. You just look at the numbers?</p> <p>4 A. Uh-huh.</p> <p>5 Q. Do you think about the other things that might</p> <p>6 -- do you think about all the different --</p> <p>7 A. I look at the numbers and I look at what they</p> <p>8 were this year versus what they were last year. And</p> <p>9 what they are this year since Senate Bill 14 has been</p> <p>10 enacted is they're up.</p> <p>11 Q. Uh-huh. And do you correlate that with Senate</p> <p>12 Bill 14?</p> <p>13 A. I haven't made a correlation at this point.</p> <p>14 Q. Okay. Do you consider the EIC program to be a</p> <p>15 success?</p> <p>16 A. It's not for me to determine whether it's</p> <p>17 successful or not.</p> <p>18 Q. Are you familiar with the legislative study</p> <p>19 that's occurring on the implementation of SB 14?</p> <p>20 A. A current one?</p> <p>21 Q. Yes.</p> <p>22 A. I know that there are interim studies looking</p> <p>23 at different things. Have I been specifically involved</p> <p>24 in any of that? No, I haven't.</p> <p>25 Q. Do you know if Mr. Ingram is involved in any of</p>	<p style="text-align: right;">184</p> <p>1 A. When you -- what type of election-related</p> <p>2 responsibilities are you potentially referring to?</p> <p>3 Q. Any election-related responsibilities.</p> <p>4 A. Well, I mean, none, other than they are --</p> <p>5 they're -- I mean, if there are law enforcement issues,</p> <p>6 I mean, I guess they would, I mean, potentially be</p> <p>7 involved. No, I guess that would be the local folks.</p> <p>8 Q. Is DPS primarily a law enforcement agency?</p> <p>9 A. Well, it's a law enforcement agency, and it's</p> <p>10 an issue -- they're the agency that in the state of</p> <p>11 Texas that issues identification.</p> <p>12 Q. Do you know if state troopers are often present</p> <p>13 at driver's license offices?</p> <p>14 A. Driver's license offices where? Across Texas?</p> <p>15 Q. Uh-huh.</p> <p>16 A. Ma'am, it's been so long since I've been into</p> <p>17 one, I don't know.</p> <p>18 Q. Do you know if any law enforcement tends to be</p> <p>19 present in driver's license offices?</p> <p>20 A. Like I said --</p> <p>21 Q. No, you don't know?</p> <p>22 A. It's been so long since I've been in one. I've</p> <p>23 been out to the state headquarters, and they have law</p> <p>24 enforcement there. I've been to the one in my local</p> <p>25 area out in Pflugerville, and I have no idea if there</p>

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<p style="text-align: right;">185</p> <p>1 was a law enforcement agent there or not. I went in and 2 asked my specific question and I left, so. 3 Q. Do you know if DPS runs warrant checks on EIC 4 applicants? 5 A. I don't -- for EICs, I don't know what they do. 6 At least, I can't remember what they do. 7 Q. What? 8 A. I said that I don't know. I can't necessarily 9 remember. They might. 10 MS. MARANZANO: Will you mark this? 11 (Exhibit 22 marked for identification.) 12 A. Without looking at something to refresh my 13 memory, I don't know if they do or not. 14 Q. (By Ms. Maranzano) Okay. I'm showing you what 15 we've marked as Deposition Exhibit 22. Do you recognize 16 this or the contents within it? 17 A. You know, I remember the issue of -- now that 18 I've seen this -- 19 Q. Uh-huh. 20 A. -- that there was something they could do with 21 warrants. I don't remember what it was. But on the 22 mobile units, whatever it was, it was not done. 23 Q. It was not done? So in September of 2013, is 24 it fair to say that DPS was considering running warrant 25 checks on --</p>	<p style="text-align: right;">187</p> <p>1 A. No. 2 Q. How would you describe the relationship between 3 the office of the Secretary of State and DPS related to 4 the EIC program? 5 A. Great. 6 Q. Do you think each agency is similarly motivated 7 with respect to the EIC program? 8 A. I can't speak to the motivation of other 9 agencies. I can only speak to the motivation of the 10 Secretary of State's Office. 11 Q. At any time since DPS has begun issuing EICs, 12 have you had any concerns about tasking DPS with 13 additional work? 14 A. What do you mean by tasking them with 15 additional work? 16 Q. Have you had any concerns about the workload 17 that DPS has in terms of the EIC program? 18 A. I haven't had any concerns. 19 Q. Have you considered whether DPS has sufficient 20 resources to effectively implement the EIC program? 21 A. The EIC program? 22 Q. Uh-huh. 23 A. I'm not understanding why I would. 24 Q. Have you heard from anybody at DPS that they 25 don't think they have sufficient resources to</p>
<p style="text-align: right;">186</p> <p>1 A. I don't know what they were considering doing. 2 Q. Okay. Well, it looks like -- 3 A. Because -- 4 Q. Yeah. 5 A. They say they have the ability to run them. It 6 doesn't say they were going to do it. 7 Q. Okay. So was there any discussion in response 8 to this e-mail about whether or not it made sense for 9 them to do warrant checks? 10 A. I think there was a clarification on our office 11 as far as are you going to do this or are you not, and 12 they more or less said they were not going to do it. 13 Q. Okay. And was that the extent of the 14 communication that you had with them about -- 15 A. As far as I remember. 16 Q. And do you know if they did warrant checks on 17 EIC applicants in any other context? 18 A. I don't know, ma'am. 19 Q. Do you think applicants might be deterred from 20 applying for an EIC at an agency that they associate 21 with law enforcement? 22 MR. SCOTT: Objection, form, 23 specialization. 24 A. I don't know. 25 Q. (By Ms. Maranzano) You don't know?</p>	<p style="text-align: right;">188</p> <p>1 effectively implement the EIC program? 2 A. I haven't heard from them on the EIC program. 3 I mean, they -- we were able -- when we started talking 4 about mobile EICs, we were able to provide them some 5 assistance because they hadn't budgeted for that 6 particular effort, but what they're doing with the EICs, 7 separate from these mobile units, is their business and 8 their function and their budget. Don't have anything to 9 do with it. So the idea that we came up with jointly, 10 we didn't just say we have this idea of mobile EICs, you 11 all go do it. We said we have this idea of mobile EICs, 12 we will help you get it done. 13 Q. Were there any other ideas that you came up 14 with that you suggested to DPS -- 15 A. No. 16 Q. -- about the EIC program? 17 A. At this point, just trying to get this one to 18 work. 19 MS. MARANZANO: Can we go off the record 20 for about two minutes? I think I'm just about finished. 21 (Recess from 1:58 to 1:59 p.m.) 22 Q. (By Ms. Maranzano) Are you aware of any 23 allegations of noncitizen voting? 24 A. No more than what you hear on the news 25 accounts.</p>

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<p style="text-align: right;">189</p> <p>1 Q. You don't have any personal knowledge of any</p> <p>2 allegations as you sit here today?</p> <p>3 A. Not that I -- not that I can remember.</p> <p>4 Q. Okay. Would you -- is it fair to say that</p> <p>5 Ms. McGeehan was a knowledgeable employee?</p> <p>6 A. It's a fair statement.</p> <p>7 Q. Trustworthy employee?</p> <p>8 A. I would think so.</p> <p>9 Q. And she reported directly to you, correct?</p> <p>10 A. While she was -- while she was -- while -- for</p> <p>11 the time that she was there while I was there, yes.</p> <p>12 Q. Okay. While she was the Director of</p> <p>13 Elections --</p> <p>14 A. Right.</p> <p>15 Q. -- and while you were the Deputy --</p> <p>16 A. Right.</p> <p>17 Q. -- Secretary of State?</p> <p>18 A. Right. Now, what was that question you asked</p> <p>19 again about noncitizens?</p> <p>20 Q. If you were aware of any allegations of</p> <p>21 noncitizen voting.</p> <p>22 A. You hear these things all the time, and you</p> <p>23 don't know. I can't qualify where those statements came</p> <p>24 from.</p> <p>25 Q. Okay. When you hear people talking about</p>	<p style="text-align: right;">191</p> <p>1 CHANGES AND SIGNATURE</p> <p>2 RE: VEASEY, ET AL. VS. PERRY, ET AL.</p> <p>3 PAGE LINE CHANGE REASON</p> <p>4 _____</p> <p>5 _____</p> <p>6 _____</p> <p>7 _____</p> <p>8 _____</p> <p>9 _____</p> <p>10 _____</p> <p>11 _____</p> <p>12 _____</p> <p>13 _____</p> <p>14 _____</p> <p>15 _____</p> <p>16 _____</p> <p>17 _____</p> <p>18 _____</p> <p>19 _____</p> <p>20 I, COBY SHORTER, III, have read the foregoing</p> <p>21 deposition and hereby affix my signature that same is</p> <p>22 true and correct, except as noted above.</p> <p>23 _____</p> <p>24 _____</p> <p>25 COBY SHORTER, III</p>
<p style="text-align: right;">190</p> <p>1 illegal immigrants in Texas, what population do you</p> <p>2 usually take them to be referring to?</p> <p>3 A. I don't take them to -- any -- I mean, someone</p> <p>4 who is not here legally can be from anywhere.</p> <p>5 Q. Do you -- where is the largest immigrant</p> <p>6 population in Texas, do you know?</p> <p>7 A. Without somebody specifically telling me where</p> <p>8 they're from.</p> <p>9 Q. You don't know?</p> <p>10 A. I wouldn't speculate on this because I may be</p> <p>11 totally wrong.</p> <p>12 Q. Okay.</p> <p>13 MS. MARANZANO: I don't have any further</p> <p>14 questions. Thank you for your time.</p> <p>15 THE WITNESS: Well, thank you.</p> <p>16 MR. SCOTT: We reserve ours.</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">192</p> <p>1 IN THE UNITED STATES DISTRICT COURT</p> <p>2 FOR THE SOUTHERN DISTRICT OF TEXAS</p> <p>3 CORPUS CHRISTI DIVISION</p> <p>4 MARC VEASEY, et al.,)</p> <p>5 Plaintiff,)</p> <p>6 VS.) CIVIL ACTION NUMBER:</p> <p>7) 2:13-CV-193 (NGR)</p> <p>8 RICK PERRY, et al.,)</p> <p>9 Defendants.)</p> <p>10)</p> <p>11 UNITED STATES OF AMERICA,)</p> <p>12 Plaintiff,)</p> <p>13 VS.) CIVIL ACTION NUMBER:</p> <p>14) 2:13-CV-263 (NGR)</p> <p>15 TEXAS LEAGUE OF YOUNG VOTERS)</p> <p>16 EDUCATION FUND, et al.,)</p> <p>17 Plaintiff-Intervenors,)</p> <p>18)</p> <p>19 TEXAS ASSOCIATION OF HISPANIC)</p> <p>20 COUNTY JUDGES AND COUNTY)</p> <p>21 COMMISSIONERS, et al.,)</p> <p>22 Plaintiff-Intervenors,)</p> <p>23 VS.)</p> <p>24 STATE OF TEXAS, et al.,)</p> <p>25 Defendants.)</p> <p>26)</p> <p>27 TEXAS STATE CONFERENCE OF)</p> <p>28 NAACP BRANCHES, et al.,)</p> <p>29 Plaintiff,)</p> <p>30 VS.) CIVIL ACTION NUMBER:</p> <p>31) 2:13-CV-291(NGR)</p> <p>32 NANDITA BERRY, et al.,)</p> <p>33 Defendants.)</p>

STAN STANART - June 17, 2014

1	IN THE UNITED STATES DISTRICT COURT	
2	FOR THE SOUTHERN DISTRICT OF TEXAS	
3	CORPUS CHRISTI DIVISION	
4	MARC VEASEY, JANE HAMILTON,)	
5	SERGIO DELEON, FLOYD J. CARRIER,)	
6	ANNA BURNS, MICHAEL MONTEZ,)	
7	PENNY POPE, OSCAR ORTIZ, KOBY)	
8	OZIAS, JOHN MELLOR-CRUMMEY,)	
9	JANE DOE, JOHN DOE, LEAGUE OF)	CIVIL ACTION NO.
10	UNITED LATIN AMERICAN CITIZENS)	2: 13-CV-193 (NGR)
11	(LULAC), AND DALLAS COUNTY,)	(lead case)
12	TEXAS)	
13	VS.)	
14	RICK PERRY, Governor of Texas,)	
15	and JOHN STEEN, Texas Secretary)	
16	of State,)	
17	-----)	
18	UNITED STATES OF AMERICA,)	
19	V.)	
20	STATE OF TEXAS, JOHN STEEN, in)	CIVIL ACTION NO.
21	his official capacity as Texas)	2: 13-CV-263 (NGR)
22	Secretary of State, and STEVE)	(consolidated case)
23	MCCRAW, in his official capacity)	
24	as Director of the Texas)	
25	Department of Public Safety,)	
	-----)	
	TEXAS STATE CONFERENCE OF NACCP)	
	BRANCHES, AND THE MEXICAN)	
	AMERICAN LEGISLATIVE CAUCUS OF)	
	THE TEXAS HOUSE OF)	
	REPRESENTATIVES,)	
	V.)	CIVIL ACTION NO.
	JOHN STEEN, in his official)	2: 13-CV-291 (NGR)
	capacity as Texas Secretary of)	(consolidated case)
	State, and STEVE MCCRAW, in his)	
	official capacity as Director of)	
	the Texas Department of Public)	
	Safety)	

STAN STANART - June 17, 2014

1 *****

2 ORAL DEPOSITION OF

3 STAN STANART

4 JUNE 17, 2014

5 *****

6

7 ORAL DEPOSITION of STAN STANART, produced as a
8 witness at the instance of the Plaintiffs, was taken in
9 the above-styled and numbered cause on JUNE 17, 2014,
10 from 10:01 a.m. to 1:46 p.m., before Cynthia C. Miller,
11 CSR in and for the State of Texas, reported by machine
12 shorthand, at the Office of Vince Ryan, County Attorney,
13 1019 Congress, 15th Floor, Houston, Texas, pursuant to
14 the Federal Rules of Civil Procedure and the following
15 stipulation and waiver of counsel:

16 IT WAS STIPULATED AND AGREED by and between
17 counsel that if the original of said deposition is not
18 signed or available at the time of trial or any hearing,
19 an unsigned copy may be used in lieu thereof.

20

21

22

23

24

25

STAN STANART - June 17, 2014

1 Q. All right. So Senate Bill 14 that's the
2 subject law in this case was passed in 2011, is that
3 your recollection?

4 A. Correct.

5 Q. Okay. And because of the -- I'm just trying
6 to save us some time here, because of the Section 5
7 case, it was delayed in implementation, would you agree,
8 the pre-clearance issue delayed Senate Bill 14
9 implementation in your office?

10 A. Yes, it was delayed, yes.

11 Q. Okay. And then in June of 2013, the U.S.
12 Supreme Court issued the Shelby County vs. Holder
13 opinion.

14 A. Right.

15 Q. And shortly thereafter, the State Attorney
16 General's office cleared the implementation of Senate
17 Bill 14, is that your recollection of events?

18 MR. SCOTT: Objection; form.

19 A. Yes.

20 Q. (By Mr. Dunn) When is it, if you know, that
21 your office first began to take steps to implement
22 Senate Bill 14?

23 A. I think because we knew the potential of it
24 being there, we had discussions of, you know, the
25 logistics of implementing it, you know, and that would

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1 be forms because, you know, kind of work if this
2 changes -- I think we heard that the state would want to
3 implement it the next election.

4 And as a result, we're so large that, you
5 know, for us to put all of our implementation things in
6 place, we would have to get a jump on it.

7 So mostly all dealing around the
8 different forms we needed, you know, kind of the
9 what-ifs discussions that we had.

10 Q. All right.

11 A. I wouldn't call it extensive.

12 Q. Even while implementation of S.B. 14 was being
13 held up, your office was working on getting ready for
14 implementation, if it ever happened. Is that what I
15 understand you to say?

16 A. I think it was closer to the time when we
17 thought the Supreme Court would rule.

18 Q. I see.

19 A. In looking forward, "Oh, this could change,
20 this could happen. So, therefore, let's try to get a
21 little ahead of it."

22 Q. Do you know what month that you started that
23 work in earnest?

24 A. I have no idea. It was -- I don't know. A
25 whole season, I guess. Three or four months before that

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1 ruling maybe, but I don't remember exactly.

2 Q. Okay. Do you -- who on your staff was
3 principally responsible for implementation of S.B. 14?

4 A. Well, we would take direction from the
5 Secretary of State on any implementation of things, but
6 we also knew that there would be forms that we would
7 need to have planning for budget, if we had to, you
8 know, get new forms.

9 Just looking at do we have the means,
10 what are our roadblocks we would have, if this came out
11 this way.

12 Q. Okay. But you -- I guess what I'm trying to
13 find out, did you say, "All right, look, Jane, you're
14 going to be the go-to lead in the office for
15 coordinating with the Secretary of State on
16 implementation of S.B. 14"?

17 Did you have somebody that was kind of
18 ramrodding that implementation?

19 A. John German at that time was the administrator
20 of elections. We were just more knowledgeable of what's
21 going on. I mean, it was a small group. I don't know
22 that there was any one point person.

23 We basically were going to have to
24 respond -- we were going to be in a position of
25 responding to when will the Secretary of State say,

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1 "Okay, we're going to do this, so therefore, you know,
2 do this."

3 Q. So just for our record, could you spell
4 Mr. German's first and last name?

5 A. John German.

6 Q. Is it --

7 A. John, just J-O-H-N. And German, like the
8 country.

9 Q. Now, you mentioned some of the things, you
10 coordinating with the director -- with direction of the
11 Secretary of State, and you had to work on forms and you
12 were planning for the budget issues. These are things I
13 wrote down that you just mentioned.

14 A. I'm not sure how much coordination. There
15 wasn't really coordination. It was just probably in
16 brief discussions that this could likely happen, that we
17 would be prepared.

18 It wasn't any meetings or anything of
19 that nature, other than people, you know, Secretary of
20 State conferences, the normal course of business type of
21 items.

22 Q. So there wasn't any special --

23 A. Not really.

24 Q. -- coordination of events?

25 A. No.

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1 Q. So to the extent there was direction from the
2 Secretary of State, that came to you in the regular
3 course as other direction from the Secretary of State
4 comes?

5 A. Pretty much so, yeah.

6 Q. Okay. So with regard to these forms and the
7 budget planning you had to do, were there any resources
8 available to you from the state to implement Bill 14?

9 A. I don't -- I don't recall that there was, but
10 I'm not -- I don't really remember that there was money
11 from the state to implement.

12 I mean, we had money in our budget to do
13 it, and I do have some discretionary money in my office
14 that I can use for projects that are deemed -- that fall
15 under the keeping control of my records essentially.

16 Q. So -- and I'd like to ask you a little bit
17 more about that, but to the best of your recollection,
18 there wasn't any funds that came from the state
19 earmarked for implementation to Senate Bill 14 in Harris
20 County?

21 A. Not direct funds, no. I believe they did
22 advertising in helping getting the word out.

23 Q. But those were activities that the state paid
24 for and directed, not you?

25 A. Correct.

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1 Q. Okay. And I'm not trying to, you know, drill
2 this down to too fine of a point, but all I'm trying to
3 find out: Was there a wire transfer or check sent to
4 the state to Harris County to help in any way with
5 Senate Bill 14?

6 A. I don't recall any, no.

7 Q. Okay. So you mentioned that you have some
8 discretionary funds.

9 A. Yes.

10 Q. And so did you use any of your discretionary
11 funds on Senate Bill 14 implementation?

12 A. We did things to get the word out. I mean, we
13 did billboards around the county, you know, reminding
14 people to bring your photo ID to the polls.

15 We did, you know, lots of brochures, lots
16 of posters, lots of fliers, that we really contacted
17 just about anybody, any government agency, schools, your
18 ISDs, your colleges, the city, libraries, everywhere we
19 could think of, we mass-distributed those type of
20 information getting the word out about photo ID being
21 required at the poll to vote.

22 Q. These things that you just described, they
23 cost money, I assume.

24 A. Most of it doesn't. I mean, most of the
25 print, extra cost, but I don't think any cost of extra

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1 brochures, extra printing, anything, it wasn't anything
2 I couldn't handle on the budget.

3 Q. Okay. It was things you had to spend money
4 on, but you could handle it with your regular budget?

5 A. Yeah, but even the billboards was covered by
6 the budget.

7 Q. So did you at any point go to commissioners'
8 court --

9 A. No.

10 Q. Let me finish my question.

11 A. I'm sorry.

12 Q. You probably know where I'm going. Did you at
13 any point go to commissioners' court and ask for
14 supplemental budget monies to implement S.B. 14?

15 A. No.

16 Q. Other than the advertisements that you've
17 described, the pamphlets, the posters, the billboards,
18 was there any other expenditure your office had to occur
19 in order to implement Senate Bill 14?

20 A. Well, we had to design some new forms, but,
21 you know, we have printing costs associated with forms
22 anyway.

23 So, yeah, we probably had to -- we
24 haven't really scrapped them, we're probably not using
25 the old forms as a result. We kept them on hand just in

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1 case things went back the other way.

2 Q. From my standpoint, hopefully that's a smart
3 move on your part.

4 A. We just keep them, you know, we're trying to
5 save the taxpayer dollars, and I have got a nice big
6 warehouse that allows me to keep them.

7 Q. All right. So other than the printing and
8 design of those forms, there is no other money that your
9 office spent that it wouldn't have to spend if S.B. 14
10 had never come along?

11 A. I probably went out a little bit more. We
12 made the best effort, I mean, have a photo outreach
13 department, and they went to more -- probably more
14 locations.

15 And then I told them to do the maximum
16 push to get this word out, so all the community
17 organizations they would go to.

18 I just did -- I probably did more than
19 what they would normally do. In other words, we worked
20 them very hard to get the word out. So, yeah, they had
21 more -- more things to do.

22 We had more brochures, more fliers got
23 handed out than normal. But, yeah, there wasn't any big
24 expense, I think, in the big picture when we look at our
25 whole budget.

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1 Q. Okay. Now, at one point in time, some
2 counties, for example, Dallas County, my client, took
3 the Secretary of State on its offer to pay an outside
4 vendor to match the state-wide TEAM database with the
5 state driver's license database and get a list of folks
6 in Dallas County who didn't match.

7 A. Right.

8 Q. And then send notifications to. Is that
9 something, to your knowledge, that Harris County did?

10 A. Yes, we did the -- we did that internally
11 here. We actually -- we don't pay a vendor to do it.

12 Q. Okay.

13 A. We actually did a hard match of the DPS
14 database to the voter registration roll, and everybody
15 that, you know, wasn't on suspense we mailed a letter
16 to.

17 But yes, that was an extra cost, but here
18 again, my budget was able to do that. It was over
19 90,000 mailings that we did, to people who -- like I
20 said, if you were on suspense, in other words, your
21 voter registration card had been returned, so we weren't
22 going to waste money sending it to those that would be
23 returned.

24 So everybody that was not a hard match, I
25 mean, it could be a soft match, we would still send them

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1 a letter.

2 Q. And who in your office performed that match
3 for you?

4 A. Myself, and some of my IT staff did that.

5 Q. Okay. And not to be too picky, so you're
6 saying you, Mr. Stanart, sat at the computer and hit the
7 keys and made it happen?

8 A. I'm an engineer, I'm a software engineer.

9 Q. Okay. All right.

10 A. I did some of that, yes.

11 Q. So the list or output you got from such a
12 match, is that contained in the documents that were
13 produced?

14 A. Should be. I believe so, isn't it? The
15 matched?

16 Q. I saw some lists in there, but I didn't know
17 exactly what they were. So that's why I'm asking.

18 A. Right. We can provide that if we -- if, for
19 some reason, it's not in there.

20 Q. Okay. And do you recall essentially how many
21 people came up on that match?

22 A. It's over 1.8 million. I don't remember the
23 exact number, but the -- like I said, after taking out
24 the ones that are in suspense, it was a little over
25 90,000 that we actually mailed the letters to.

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1 Q. Oh, I'm sorry. I thought it was \$90,000 in
2 mailings.

3 A. No.

4 Q. You're say there's 90,000 people you mailed
5 to?

6 A. Yes, over 90,000 people that we actually
7 mailed those letters. And the samples of the letter are
8 in there. There was -- and the letter was refreshed
9 also for the primaries.

10 So anybody who got newly registered that
11 we could not match, and had not previously gotten a
12 letter, we actually did, we sent that mailing was much
13 smaller. I forget the numbers.

14 Q. And I'm not going to try to hold you, is that
15 like a thousand, or 5,000, or 10,000?

16 A. Yeah, yeah. It's not a large number.

17 Q. Okay. And are those the only two mailings you
18 did that were sort of S.B. 14-related?

19 A. Yes. I don't think we did one for the runoff
20 just because it's the same people that voted in the
21 primary, we would expect them to show up. We'll do it
22 again in November is our plan.

23 Q. Was there any direction from the state for you
24 to do that? I mean, did somebody, in other words, tell
25 you you should do this, and that's why you did it, or

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1 you came up with it on your own?

2 A. We came up with it on our own. After Dallas
3 had done it, we had other elected officials, you know,
4 asked us to do the same, but it was also in our mind.

5 Q. I see. Do you know any other counties that
6 have done it, other than Dallas County?

7 A. No, I don't personally know of others.

8 Q. Okay. Do you have some kind of a system, I
9 don't know if it's a LISTSERV, or conference, or
10 telephone -- regular telephone calls, where you
11 communicate with other county election officers?

12 A. There is a LISTSERV of -- you know, county
13 clerks, and one for people that do elections. I don't
14 read it very often.

15 Q. Okay.

16 A. There's a lot of e-mails that pop across
17 there.

18 Q. If it's anything like the LISTSERVs I'm on, it
19 fills your inbox.

20 A. Yeah. I actually hit -- automatically pull it
21 off into another archive folder. I don't even -- it
22 doesn't come into my inbox.

23 Q. Do you know the name of this LISTSERV?

24 A. It's the Texas Association of Counties.
25 There's an election LISTSERV.

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1 Q. I see.

2 A. And, of course, the county clerk one, too.

3 Most everything you do in the election should be on the
4 election Web site. If it's not inconceivably it's not
5 there.

6 Q. So these two lists, they are both administered
7 by the Texas Association of Counties --

8 A. Yes, yes.

9 Q. Do a little bit better at letting me finish my
10 question, keep our record a little straighter.

11 A. Okay.

12 Q. All right. So I just want to make sure I
13 understand all the things you spent money on. You made
14 some forms, and billboards and advertisements, you did
15 the approximately 90,000 piece mailing. Then later in
16 the primary, you did a smaller mailing. Is that all?

17 A. We did, you know, radio interviews, TV
18 interviews. Of course, we did -- went to the -- as much
19 as possible, get as much free media as possible.

20 Q. Okay.

21 A. We did lots of press releases, extra press
22 releases. Our motivation was to get the press on board.
23 I think they did a pretty good job of actually getting
24 the word out.

25 Of course, we did, like I said, a lot of

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1 press releases. I had my staff recall -- follow up with
2 the press releases after we had sent them out, just
3 did -- just to get the interest up.

4 We wanted the word to get out to every
5 voter in Harris County that you need to bring a photo
6 ID. We didn't want anybody to not know, even though
7 there is always somebody who hides under a rock that
8 doesn't, but we did our very best to get that out.

9 Q. So other than those things, you can't think of
10 anything else that you spent money to implement?

11 A. No.

12 Q. One more question about the LISTSERV. You
13 said that, you know, you have to output that to another
14 device because it's so voluminous, I guess. Do you
15 still have any of the LISTSERV postings?

16 A. Yeah, yeah.

17 Q. And do you know whether in response to the
18 document requests your staff went through and just --
19 produced which of those were related to S.B. 14?

20 A. I don't know if we did -- they did or not. I
21 mean, we just gave it to the IT to pull the e-mails off
22 of the -- you know, the list of keywords.

23 Q. Okay.

24 A. I don't know if that one would have got picked
25 up or not, but we can do that, if you wish.

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1 in charge of administering the rest of the election; is
2 that right?

3 A. Right.

4 Q. All right. Now, I assume in addition to the
5 things you've mentioned, in order to implement S.B. 14,
6 you had to train some staff and volunteers, election
7 workers.

8 A. Oh, yes, yes.

9 Q. Okay. And when do you think the first such
10 training occurred?

11 A. Well, it was shortly after it was told to be
12 implemented.

13 Q. Okay.

14 A. All of our clerks got multiple points of
15 training. Whether that be in e-mails, through the
16 in-person requirement we had for them to come get
17 trained. The videos that we put on our Web site for
18 them, for training. The Power Points.

19 Just, you know, we tried our very best to
20 do the most excellent job possible to get to them, "This
21 is what it takes for you to implement voter ID."

22 Q. And so -- but it is the case you didn't do any
23 of these trainings prior to the Shelby County decision?

24 A. No, because it wasn't -- it wasn't there.

25 Q. Right.

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1 A. We didn't want to confuse our workers until --
2 you know, two different directions.

3 Q. How many election clerks, you know,
4 roundabout, does Harris County have?

5 A. Clerks, I mean, we have a lot. We have 5,000
6 clerks on a big election. I mean, it's -- and judges.
7 I mean, it's just a lot of people that it takes to run
8 our elections.

9 Q. Do you know about how many election judges
10 Harris County has?

11 A. We had, I think, last November 776 polling
12 locations, I believe. It's really close to that number.
13 Because it changes according on what's available.

14 Q. Would that number -- and I understand,
15 somewhere around 770.

16 A. Yes, right.

17 Q. I'm not trying to nail you down to exactly,
18 but would that number be more or less the same as in a
19 presidential election?

20 A. Yes, it does not -- it depends. You know, if
21 we -- redistricting drives how many precincts we have,
22 but then the reality is you can't have -- you don't have
23 dinky precinct.

24 We have zero population precincts because
25 of how the lines get drawn, but we usually combo them up

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1 very similar, even with redistricting.

2 Q. Okay. So if I understand it, in terms of your
3 office training election workers in Harris County about
4 S.B. 14, you've got somewhere in the neighborhood of
5 seven to 800 election judges that need to be trained.

6 A. Yes.

7 Q. And you've got somewhere in the neighborhood
8 of 5,000 election clerks that need to be trained; is
9 that right?

10 A. Well, we give training to the judges and
11 alternate judges most extensive because the judge is
12 responsible for, you know, hiring the clerks.

13 Q. Okay.

14 A. And so when they do those last-minute hirings,
15 the best training they can get is to go to the -- our
16 Web site, the local videos, and they are requested that
17 they do that.

18 But as long as the judges and the
19 alternate judges that are actually running the polls are
20 getting trained, then we're confident that things should
21 work correctly, as best as possible, at the polls.

22 Q. Okay. So is another way of saying what you
23 just said is your office makes sure the judges and
24 alternate judges are trained, and then it's the job of
25 the judges and alternate judges to get the clerks

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1 trained?

2 A. Well, we actually -- yeah, we ask them to do
3 that. We provide training to anybody, any clerks --

4 Q. I see.

5 A. -- that will come. It's not like we're
6 restricted.

7 Q. Okay.

8 A. But the requirement is that we get the judge
9 and alternate judge training.

10 Q. Okay. So some of the clerks come to the
11 training.

12 A. Yes.

13 Q. And other clerks will get the training from
14 their election judge or alternate judge?

15 A. Correct. And also we tell them to do the
16 video on-line. I think everybody is required on-line to
17 take an hour of that.

18 Q. And when you say they were required to take
19 this video, did they click some box on a computer?

20 A. Yes. They go to harrisvotes.com and there's a
21 training module.

22 Q. And then they would certify in some way
23 electronically that they watched it; is that it?

24 A. No, we did not have that.

25 Q. Okay.

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1 A. But the in-person was for the judge and the
2 alternate judge.

3 Q. Can anybody, other than the election -- an
4 election clerk -- I mean, could I go on the Web site
5 right now and watch this video?

6 A. Yes, go to harrisvotes. I think it's still up
7 there. Right? Yes.

8 Q. All right. Are there any other aspects of the
9 training that I've missed out on, that we haven't talked
10 about?

11 A. We went around the county to, you know, the
12 election law that Sonya pretty much does. We go to
13 different locations around the county to make it easier
14 for the judges to get there, have multiple, many, many
15 sessions available.

16 So we -- like I said, we tried to manage
17 to get everybody trained as much as possible.

18 Q. And you feel like you were successful in that
19 regard?

20 A. Yes.

21 Q. Do you feel like you were successful in
22 getting out the word to voters?

23 A. Yes.

24 Q. And what matrix, if any, do you use to
25 determine whether you were successful on either or both

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1 of those things?

2 A. Well, I think two major matrix is voter
3 turnout, okay? And then the other item would be the
4 number of people who voted provisionally due to not
5 having an ID.

6 Q. Now, as far as your office is concerned, you
7 obviously administer federal, statewide, countywide
8 elections.

9 A. Right.

10 Q. And you're also responsible, I assume, for
11 some smaller units, like some school districts and
12 things of that nature?

13 A. We do some of their elections, but we are not
14 responsible for them.

15 Q. Okay.

16 A. It's only when there is an election
17 administrator, that they have to run all the elections.
18 The clerk does not.

19 Q. So what elections, since June of 2013 when
20 Shelby County came out from the Supreme Court, have you
21 administered under Senate Bill 14?

22 A. Well, we did the -- it seems like it was a
23 real small entity -- we did, of course, the November '13
24 election. But it seems like there was a -- something
25 small we did. Like a -- I don't even recall.

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1 Q. Okay. So the November 2013 election.

2 A. Right.

3 Q. And the primary and primary runoff that
4 happened in 2014.

5 A. Right.

6 Q. And there might have been a city, but you
7 don't, for example, recall administering an election for
8 Lone Star College?

9 A. No, we did that in May of 2013, so that was
10 pre-Shelby.

11 Q. All right. Now, you said that the matrix that
12 you would use, did voter turnout, and then -- well,
13 let's talk about that first.

14 Have you sat down and looked at the voter
15 turnout in November of 2013, or in this recent primary,
16 and compared it in Harris County to a similar election
17 in the past?

18 A. Yes. Yeah.

19 Q. And what did you determine about voter
20 turnout, say, compared to the November -- I guess it
21 would be 2011 election and the November 2013 election?

22 A. It was -- they were higher. I mean, they were
23 higher than the previous ones. I looked back two or
24 three others. They were higher. I forget how
25 significantly higher, but they were higher than those.

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1 The primary was -- other than the last --
2 the two years when Ted Cruz was on the ballot for the
3 primary, for Republicans it was higher, the Democrat
4 County wasn't as high, just because.

5 Q. Okay. So other than looking at, you know, the
6 gross figure of voters, there was 10,000 in this
7 election?

8 A. Right.

9 Q. In this one there was 12,000. Did you do any
10 sub-analysis of those?

11 A. No, I don't think so.

12 Q. In other words --

13 A. We look at countywide.

14 Q. Just a countywide gross analysis?

15 A. Correct.

16 Q. Okay. I'm just trying to find out: Did you
17 go in and say, "Well, identify a certain subset of
18 voters that showed up in one election and see if they
19 came back on the next"?

20 A. No.

21 Q. The other thing you mentioned was the number
22 of provisional ballots.

23 A. Yes.

24 Q. So did you review the number of provisional
25 ballots in a pre-Senate Bill 14 election and then

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1 compare it to the like election after Senate Bill 14?

2 A. I don't recall that I personally did that.

3 Q. Okay.

4 A. I don't know the exact numbers. I do know the
5 numbers of the November election that had photo ID.

6 Q. So what was -- I guess how is it that you
7 analyzed the number of provisional ballots to come to
8 the conclusion that you had successfully gotten the word
9 out and adequately trained your staff on Senate Bill 14?

10 A. Well, the provisional ballots that were photo
11 ID, were 105. Of those, six were not even registered.
12 So we had the nine left. And of those numbers, you
13 know, eight people came back in cure.

14 We did -- and I don't remember the exact
15 when we did it. We did some cursory match back to the
16 DPS database.

17 And if I recall, there was about
18 two-thirds of them that we could say those people have
19 photo IDs, they left them at home, or whatever, I mean,
20 so...

21 Q. And was there any, you know, paperwork, or a
22 report, or something generated?

23 A. No, I don't think so. I think it was just a
24 general query.

25 Q. Okay. Those figures are helpful for November.

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1 Do you have them also for the runoff? I'm sorry, for
2 the primary?

3 A. For the primary?

4 Q. Yeah.

5 A. I don't know. I think I've been given
6 something. I mean, we can look at it and see.

7 Q. Sure. If you have something handy.

8 A. I think I have an e-mail to that effect.

9 Let's see here. Yes. The runoff election we also had
10 for the City of Houston election last November, that was
11 in 2014. I forgot to mention that.

12 Q. Okay.

13 A. And we had five IDs there, and none of them
14 came back and cured.

15 Q. None of them did? I'm sorry. I didn't hear.

16 A. Yes, none came back and cured. November the
17 5th we had eight that came back and cured. We had --
18 let's see. In the Democrat primary, we had nine --
19 well, we had a total of ten, one that was cured.

20 And in the Republicans, we had 25 that
21 were ID, and four of those came back and cured. So it
22 was ten and 25, Democrat and Republican.

23 Q. Now, other than your own analysis of this for
24 your own purposes as an elected officer running
25 elections here in Harris County, have you shared these

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1 figures with anyone else prior to now?

2 A. I think last November I think I shared it with
3 the media, you know, that the numbers were there, that's
4 out there, yes.

5 Q. What about the state or the United States
6 Department of Justice?

7 A. To my knowledge, I don't think we have. I
8 mean, I know we put out -- I think I put these numbers
9 out last November in a press release, for the runoff, or
10 somewhere in there. It should be in your packet of
11 information there.

12 Q. Okay. And with respect to this group of
13 people who appeared with no ID and didn't cure --

14 A. Correct.

15 Q. -- did your office do anything to reach out
16 for them, or otherwise work on their situation for
17 future elections?

18 A. I'm thinking there's some letter that goes out
19 to them, but I don't recall what the specifics of them
20 are.

21 Q. There may be a letter, but I guess what I'm
22 asking is: Was there somebody on your staff that was
23 sort of tasked to say, "All right, make contact, to the
24 extent you can, with these folks that fill out the
25 provisional afterwards and see if we can help them get

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1 an ID"?

2 A. Like I said, most of them do have IDs.

3 Q. Okay.

4 A. So the letter to them saying, you know, "You
5 must have an ID is why your vote is being rejected,"
6 well, everybody who gets provisional, is rejected, they
7 get a letter, so I would think that would be included in
8 there. That is our reach out to them. Did we do more
9 than that, I don't know.

10 Q. Okay. Did you, at any time, do an analysis or
11 consider the number of people, if any, who didn't show
12 up because they didn't think they could meet the ID
13 requirement, or were worried that they couldn't?

14 A. No. I mean, how would I know that?

15 Q. And I'm not suggesting you could.

16 A. Yeah.

17 Q. Now, is your -- you know, one of the IDs
18 that's permitted under Senate Bill 14 is called an EIC,
19 an election identification certificate.

20 A. Yes.

21 Q. Do you know what I'm talking about when I say
22 EIC?

23 A. Yes, definitely.

24 Q. Does your office have the ability to issue
25 EIC?

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1 A. No, DPS is the one who issues those. We did
2 assist DPS and the Secretary of State in finding some
3 temporary locations.

4 In fact, they used one of my offices in
5 the county. Initially, it was four temporary locations
6 in addition to the 12 DPS locations in the county. We
7 assisted them in locating some of those locations.

8 Q. Locating some of the four temporary ones?

9 A. Yes, yes, yes.

10 Q. Okay. And I want to talk about that, that's
11 important, but for right now, I want to focus on your
12 office's ability to issue an S.B. 14-approved ID. And,
13 as I understand it, you lack that authority; is that
14 right?

15 A. That's correct, yes.

16 Q. Okay. Is that something you've ever asked for
17 or inquired if you could be given the authority or the
18 opportunity to meet that need, if any?

19 A. There might have been a discussion, but I
20 don't think so.

21 Q. Okay.

22 A. Our job really was to implement the law as
23 it's written right now.

24 Q. Well, did you ever testify before the
25 legislature as it related to changing the law for photo

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1 is that right?

2 A. Right.

3 Q. Do you know if there are any DPS offices in --
4 inside Loop 610 in Houston?

5 A. I believe there are, yes.

6 Q. Where are they?

7 A. I'd have to go look. One time I looked at the
8 map.

9 Q. Okay.

10 A. But I don't remember.

11 Q. And that's fine, when you don't know
12 something, just tell me you don't know it.

13 A. Right, yes.

14 Q. Can you recall for us where the four temporary
15 locations are?

16 A. One of them was a church here within the Loop.
17 I think that one is actually one the Secretary of State
18 identified. I've been there, I forget the name of the
19 place, okay? Down here close to Rice University.

20 Another one was down in Pasadena at --
21 where I have one of my offices. Another one was at a
22 City of Houston facility in the north -- I mean, north
23 of the Loop.

24 It might be within the Loop, but it's not
25 very far away, or maybe just north. And then another

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1 one, I believe, was at Lone Star College-Victory.

2 Q. So that got me to five locations.

3 A. It's four.

4 Q. Well, you said there was a church that you
5 couldn't remember where.

6 A. Right.

7 Q. One near Rice University.

8 A. No, that's the same one.

9 Q. Oh, same one?

10 A. Yeah, the church is the same one.

11 Q. Oh, okay. I got it. And which of those did
12 you help locate?

13 A. All except for the church.

14 Q. Okay.

15 A. They called -- the secretary of state's office
16 called and said, "Hey, can you help us find something
17 for locations," so with these temporary ones, one that
18 made strategic sense. And we looked where we knew the
19 populations might be best served and we had those
20 locations.

21 Q. And did your office staff any of those
22 locations at all?

23 A. No, that was all done by DPS. They had, I
24 believe, two workers at each of those locations.

25 Q. Do you know whether any EICs were issued?

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1 A. No, I don't know what they did.

2 Q. I mean, in other words, you weren't given any
3 kind of report that said --

4 A. There was some verbal, initially.

5 Q. Okay.

6 A. And I heard it was small numbers that were
7 done, but I don't know the specifics of those. The
8 Secretary of State or DPS would have the exact numbers.

9 Q. What was the time period these four temporary
10 locations were opened?

11 A. It was during that period before the election.
12 Now, I believe two of them actually, because of low
13 service, they moved them to two other -- to other
14 locations in the state, to better utilize the resources.
15 So for a while, they had four. Then they had just two.

16 Q. Do you know the two that were closed and moved
17 someplace else?

18 A. The church was kept as one. I don't -- I'm
19 not positive, but I suspect it was Victory, but -- Lone
20 Star College-Victory, but I don't remember.

21 Q. Okay. All right. And you said these were
22 open around the election, but which election?

23 A. The November election.

24 Q. Okay.

25 A. The November election.

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1 Q. Were there any mobile units in the recent
2 primary election?

3 A. I believe there was talk about it, and I don't
4 really -- we weren't involved in that, so I don't know
5 for sure --

6 Q. Okay.

7 A. -- how many there was or if there was some in
8 Harris County.

9 Q. And there's also some discussion in this case
10 about mobile EIC.

11 A. That's the same thing.

12 Q. Okay.

13 A. Temporary is mobile. I mean, some laptops on
14 a table in a building.

15 Q. Okay.

16 A. It's not like it's anything other than, you
17 know.

18 Q. Yeah. I just wanted to make sure I wasn't
19 missing, you know, there wasn't these four, and then
20 there was roaming units or some things.

21 A. No, that's the same thing, the temporary.

22 Q. Okay. One of the reports that we had received
23 is that there was advertisement for a mobile EIC unit,
24 and the voter went there and it wasn't there at the
25 location that was advertised.

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1 A. Right.

2 Q. Again, I don't know if any of this is true.

3 It's just a report I got.

4 A. Right.

5 Q. And they ultimately found the location about a
6 block away.

7 A. A block away?

8 Q. And included at the EIC mobile unit location
9 was a desk for King Street Patriot staff.

10 A. Okay.

11 Q. Are you aware of King Street Patriot staff
12 being involved in any of the mobile stations?

13 A. Not to my knowledge, no.

14 Q. Do you know whether poll watchers are
15 permitted to work EIC-issuing locations?

16 A. It's not -- poll watchers is what I do for
17 elections. EIC is not something that I run.

18 Q. Okay. So you don't know is the answer?

19 A. No, I don't know.

20 Q. All right.

21 A. Yeah. It doesn't make sense to me.

22 Q. Has anybody with King Street Patriots assisted
23 your office in implementing Senate Bill 14?

24 A. No. Why would they?

25 Q. Other than the effort by the state to set up

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1 the mobile EIC units, are you aware of any other
2 outreach in Harris County to issue S.B. 14-eligible IDs?

3 A. Yes. I actually did a -- I guess it was TV
4 interview with the League of Women Voters where they
5 said their emphasis, and also my personal emphasis, was
6 recommending people get a personal ID over the EIC ID
7 because if you can afford the -- I think if you're over
8 62, 65, you can get it for only \$6.

9 And my understanding, they and other --
10 League of Women Voters, other organizations were
11 actually encouraging people to get a personal ID because
12 they have much more functionality than just the EIC.

13 The EIC, of course, is only voting. And
14 personal ID can be used for cashing checks, going to the
15 airport, et cetera, et cetera.

16 Q. And I understand there was, I'm sure,
17 community advertisement.

18 A. Yes, sir.

19 Q. But do you know, was there other sort of
20 offices set up, or special hours, or special something
21 that happened to make it easier to get an S.B.
22 14-eligible ID in Harris County?

23 A. By government?

24 Q. Yes.

25 A. The DPS locations I understood were opened on

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1 Saturdays before the election, and we put that on our
2 advise to media also.

3 Other than that, yeah, there was some
4 Saturdays. I don't recall how much -- I don't recall
5 Saturdays, but I don't remember how many Saturdays to
6 provide that access.

7 Q. And you would put that out in any kind of
8 media that you would send out?

9 A. If I knew about it, yes, yes.

10 (Recess from 10:53 a.m. to 10:58 a.m.)

11 Q. (By Mr. Dunn) Mr. Stanart, during the break,
12 we discovered that you had been sent a letter from the
13 Department of Justice --

14 A. Yes.

15 Q. -- asking for the provisional ballot
16 information --

17 A. Right.

18 Q. -- a few weeks ago, and your office responded
19 and provided that; is that right?

20 A. I just saw the letters. I'm not positive we
21 responded. I'm assuming we do.

22 Q. Okay.

23 A. And then also, of course, I think some of the
24 documents we had I think the Department of Justice has
25 asked for them, I think it's similar to the same

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1 Q. Was this a letter?

2 A. Yes.

3 Q. Written by you, or signed by you at least?

4 A. Yes, yes.

5 Q. Okay. Is that in the materials that were
6 produced?

7 A. I think, but I'm not positive.

8 Q. All right. Well, we'll follow up. And so the
9 letter that was sent to the secretary of state, was it
10 just copied to the district attorney, or was there a
11 separate one sent to the district attorney?

12 A. I don't recall. There could have been
13 separate, or it might have been a cc. I'm not sure.

14 Q. What, if anything, has come from that
15 referral?

16 A. I understand there's some investigation going
17 on.

18 Q. Okay.

19 A. Other than that, I don't know any details.

20 Q. Do you know if a grand jury --

21 A. No, I don't know of anything.

22 Q. You don't know if a grand jury has taken
23 testimony on that?

24 A. No, not to my knowledge.

25 Q. Okay. All right. So other than people voting

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1 twice and the situation you just described with

2 Ms. Moffet, are you aware of any other voter fraud in

3 Harris County?

4 A. I mean, every election, if we find something

5 that doesn't look right, we will send that over to the

6 DA.

7 We do have, you know, where we see people

8 who are signing ballots for more than one person.

9 That's happened here.

10 Q. Mail ballots?

11 A. Yes, yeah. We'll send items over to them to

12 investigate, for investigation. I don't recall every

13 type of things that we've seen because usually, yes, a

14 lot of it's associated around mail ballots.

15 You know, we've heard of -- I know there

16 has been some investigation the county attorney's office

17 has done on mail ballots that was obviously canvassed

18 from the same street type thing, you know.

19 Q. Are you aware of any incident in Harris County

20 that Senate Bill 14 would have prevented?

21 A. I believe that because those people, like I

22 said, who used multiple voter registration cards, that

23 having photo ID has -- would make that more difficult

24 for someone to go down that path and vote for multiple

25 people.

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1 Q. Well, prior to Senate Bill 14's
2 implementation, are you aware of any time where somebody
3 actually did vote in Harris County, and if there had
4 been an ID requirement, it would have prevented them
5 from violating the law?

6 A. Other than poll watcher feedback or something
7 like that, no, I don't have the specifics.

8 Q. Okay. And somebody who has multiple
9 registration cards, that -- the registration cards could
10 all have the same or very similar names on them with
11 different addresses; is that right?

12 A. It's possible, yes.

13 Q. I mean, you know, so when you say you're
14 getting feedback that somebody has gone to a polling
15 location, they have multiple voter registration cards,
16 that doesn't mean they have voter registration cards for
17 different people they're trying to vote, necessarily.
18 It just means that somebody may have registered multiple
19 times?

20 MR. SCOTT: Objection; form.

21 A. That could be speculated.

22 Q. (By Mr. Dunn) Well, or you could speculate
23 that they were trying to vote for somebody else.

24 A. Right.

25 Q. But either way, it's speculation; is that

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1 right?

2 A. Right.

3 Q. Okay. Now, I know it's not your job to run
4 the voter roll.

5 A. Right.

6 Q. And, you know, so we're going to investigate
7 that, obviously, separately. But have you ever looked
8 at the Harris County voter roll and analyzed, you know,
9 the extent of people with similar names being on there
10 multiple times?

11 A. Not in recent days, but I have done a little
12 bit of that, yes.

13 Q. I mean, are you able to confirm for us that
14 there are a number of entries for people with either the
15 same or very similar names at different addresses in the
16 county?

17 A. Yes, I do believe there are some of those in
18 there, yes.

19 Q. For example, if somebody had their home
20 residence, and then they had a couple of rental
21 properties, and maybe they lived at some point in time
22 at each of those rental properties, they could end up
23 getting a voter registration card at each of the three
24 properties.

25 A. Yes.

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1 Q. Okay.

2 A. They should be returning them or doing
3 something, but yes.

4 Q. And then if they showed up at the -- at each
5 of those three polling locations with their card and
6 with an ID, with a name that matched that card, they
7 could vote three times, even after S.B. 14, couldn't
8 they?

9 MR. SCOTT: Objection; form.

10 A. That's likely, but we're going to be looking
11 for them.

12 Q. (By Mr. Dunn) Okay. I hope you are. I mean,
13 nobody should get to vote more than once.

14 A. Exactly, exactly.

15 Q. Are you aware of any prosecutions in Harris
16 County of voter fraud, you know, whether it developed
17 before you were elected or since?

18 A. I believe, yes, I know of at least one, but I
19 don't recall the specifics.

20 Q. I mean --

21 A. There has been prosecutions, I just don't know
22 the details.

23 Q. The one you remember, I'm sure you don't know
24 the name, but do you remember what the issue was, or
25 what they had done?

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1 So not only did every judge get the
2 personal training, but each clerk was supposed to have
3 signed the information about photo ID at the polls where
4 they worked. So every clerk had that information.

5 Q. On the training portion of it, what kind of
6 assistance, if any, did you get from the secretary of
7 State's office?

8 A. They provided the -- they provided videos
9 themselves. They provided, you know, tons of
10 information on the how-tos, you know. We just tried to
11 make the same information to pass through in friendlier,
12 more fun ways, so they would pay attention.

13 Q. Okay. So the video you use on your Web site,
14 did you produce that, or was it from the secretary of
15 state?

16 A. No, I think actually we produced it ourselves,
17 here.

18 Q. Okay.

19 A. But it's got the same content as what they
20 had.

21 Q. So it's something the county would have spent
22 money on?

23 A. Well, we had IT guys that took the cameras we
24 already had here.

25 Q. Okay.

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1 A. We did the videos out at the warehouse, or
2 around the office, so, you know, we didn't hire anybody.

3 Q. Okay.

4 A. It wasn't like it was any additional cost.

5 Q. So why not use the video that the secretary of
6 state provided?

7 A. I think ours is more --

8 Q. More better?

9 A. More better.

10 Q. Okay. Did you have any information
11 technology, like computers that you had to acquire to
12 implement S.B. 14?

13 A. No, not the specific -- nothing that we
14 weren't already using.

15 Q. Was there anything else involved in the
16 training of workers on S.B. 14 that your office did that
17 we haven't talked about?

18 A. There probably is because, like I said, I
19 don't know every detail of all the how-to training.

20 Q. Okay.

21 A. I've gone to, you know, several of them, but I
22 know the -- when we get new clerks in, that they
23 actually get, you know, e-slate-type training on the
24 mechanics.

25 And I know at each of those mechanic

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1 Q. So in your office, in the main Harris County
2 attorney's office -- Harris County clerk's office --

3 A. Yes.

4 Q. -- made a match and made an initial
5 determination of whether there was a match between ID
6 and registrants; is that right?

7 A. Yes. So clerks wouldn't have to think on
8 those issues.

9 Q. All right. And you did that all the way back
10 to the first election under S.B. 14?

11 A. No, we did not have -- in early voting, we did
12 not have that at the earliest elections. We just have
13 it now. We did it just recently on early voting.

14 Q. Okay. So you implemented this for the first
15 time on early voting for the primary in 2014?

16 A. The primary runoff.

17 Q. For the primary runoff?

18 A. Yes.

19 Q. So is it fair to say that the system that
20 we're going through and describing now has only been
21 used in one election in Harris County so far?

22 A. Yes. Where we print the actual matched name
23 during early voting.

24 Q. When did you first in your office start doing
25 a preliminary match and providing it to election workers

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1 in any form?

2 A. We did that for the November 5th election, but
3 we only had it on the election day in the printed paper
4 poll books. We didn't have the electronic system
5 updated to handle the matched name ID.

6 Q. So if we focus on the November election during
7 the early voting period in the November 2013 election --

8 A. Yes.

9 Q. -- poll workers did not have this pre-match
10 run by your office?

11 A. Correct. They were actually having to do the
12 matching. But the computer, when they would look
13 someone up, they would be at the end of the potential
14 people that would match. I mean, while a hard match is
15 just this is the one, we're 99.99 percent sure this is
16 the one.

17 While you might have two or three listed,
18 for the worker then would have to use their knowledge to
19 say, "Oh, it's this one or not."

20 Q. Okay.

21 A. They would ask the voter, "Are you this
22 person?"

23 Q. But starting in the general election, in
24 November of 2013, your office provided in paper form a
25 pre-match; is that right?

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1 A. For the poll books on election day, yes.

2 Q. Okay. And what did you do on this subject in
3 the 2014 primary election in March?

4 A. It's the same. It was the same.

5 Q. It was in paper?

6 A. It was the same. The early voting was the
7 electronic, where the early voting clerks had to do the
8 matching on similar names themselves. Just like it was
9 in November.

10 Q. Okay.

11 A. And then the paper on election day both times
12 was pre-matched.

13 Q. I see, okay. And then when it came time for
14 the runoff in 2014, what did you do?

15 A. That's when we had implemented the match.

16 Q. Okay.

17 A. And it might have only been on election day.
18 I really forget. I mean, I can ask her if we had it in
19 early voting or it.

20 Q. Well, let's find this out, if you don't mind.

21 A. Did we have that in early voting, too? We
22 did, didn't we?

23 MS. ASTON: I believe we did, yes.

24 A. For the runoff, yes, yes, we did. We would
25 have.

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1 Q. (By Mr. Dunn) So you had it for -- your best
2 recollection is you had it for early voting and on
3 election day --

4 A. For the runoff --

5 Q. -- in 2014?

6 A. Yes, when we used the electronic poll books.

7 Q. Yes. We have to do a better job of not
8 talking over one another. All right? And I'm doing as
9 bad a job as you.

10 A. All right.

11 Q. So just to make sure that's clear in our
12 record, in the primary runoff election in 2014, both in
13 early voting and election day, there was a pre-match
14 performed by your office and provided to the workers; is
15 that right?

16 A. Restate that, please.

17 Q. In the primary runoff in 2014 --

18 A. Yes.

19 Q. -- there was a pre-match --

20 A. Yes.

21 Q. -- that your office performed and provided to
22 election workers both for early vote and election?

23 A. Correct, yes.

24 Q. Was that all done by laptop, or were any of
25 those in paper?

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1 A. On election day, some of it was paper and some
2 was by laptop.

3 Q. Okay.

4 A. We have a lot less polling locations, we have
5 a limited number of electronic poll books. We couldn't
6 support a normal election day. There's lot of
7 consolidation in the runoff, so we couldn't support half
8 of it.

9 Q. And when you say electronic poll books, is
10 that the same thing as this laptop you mentioned
11 earlier?

12 A. Yes.

13 Q. Did you acquire any of these laptops for this
14 purpose?

15 A. No, we've had them for years.

16 Q. So this match process that you've been
17 describing, there was no fiscal impact, as far as you
18 know, for the county?

19 A. We had our vendor implement it in their
20 product, but under the normal service maintenance
21 agreement that we have with them. Generally, no
22 additional cost.

23 Q. So let me back up. You know, you said that
24 when the first voting started under S.B. 14, you didn't
25 yet have the pre-matched, election workers had to make

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1 the decision in the field; is that right?

2 A. In early voting.

3 Q. In early voting?

4 A. Yes.

5 Q. So why didn't you have it? You hadn't thought
6 of it yet?

7 A. We didn't have time. The vendor couldn't get
8 it. They couldn't get it done in the time frame we
9 wanted them to.

10 Because as soon as we -- now, you know,
11 when we came up with the concept of doing it, you know,
12 by the time we got to them to try to get it done, they
13 just couldn't pull it off.

14 Q. What's the name of this vendor?

15 A. It's VoTech Corporation.

16 Q. And so from your standpoint, it wasn't like
17 something came up during that initial early voting
18 period where the election workers were doing it on their
19 own, that made you want to implement the system --

20 A. No, no, we wanted to do it initially.

21 Q. Okay.

22 A. They just -- they couldn't get it done in a
23 time frame that we wanted them to get it done in.

24 Q. Now, this process of pre-matching and sending
25 to the election workers, do you know if any other county

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1 does that?

2 A. I know pre-matching, Dallas County did it for
3 purposes of mailing. I don't know if they've been doing
4 more than that.

5 Q. Okay.

6 A. I don't know if any other counties are doing
7 this.

8 Q. Okay.

9 A. I think -- I think just in passing VoTech said
10 that Dallas was interested. I don't know where they are
11 at on that.

12 Q. You didn't have to pay, you, as Harris County,
13 didn't have to pay VoTech anything extra to do that?

14 A. No, it was under our normal maintenance
15 agreement.

16 Q. Okay. For the voter roll?

17 A. Well --

18 Q. Why does the county -- let me back up. Why
19 does the county have an agreement with VoTech, to begin
20 with?

21 A. They are our database that we use our -- for
22 the voter reg uses it. They have their own server, and
23 then we use it also in -- we have a server on my side of
24 the house in the county clerk's office where we run the
25 elections out of.

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1 The election programming is done on that
2 product. That's where we copy the voter roll from the
3 voter registrar also.

4 Q. So where did this idea come from to do the
5 pre-match?

6 A. I think they came from my office.

7 Q. Okay. And, I mean, can you -- are you able to
8 identify the person who had this idea?

9 A. Maybe me, I think, if I was going to guess.

10 Q. All right.

11 A. Probably, I think. But I'm not positive of
12 that.

13 Q. Okay.

14 A. I'm a technical guy, okay? Engineers do these
15 kind of things.

16 Q. So at any point did you express to the
17 secretary of state's office either, A, you had this
18 idea, or B, you were going to do it?

19 A. Yes. We had to get clearance on the forms
20 because we modified the forms, to accept the label to do
21 it this way. So any time they change any form, they
22 have to review and approve.

23 Q. "They" being the Texas Secretary of State?

24 A. Yes.

25 Q. Who was it over there that you would deal with

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1 on those issues?

2 A. On forms, I'm not positive, but Keith Ingram
3 is the one who was involved in this process. But
4 somebody in his legal department, I think, does the
5 forms. Ashley maybe. I don't know.

6 Q. But if you call the secretary of state's
7 office to talk about S.B. 14 implementation, is it Keith
8 Ingram you contact?

9 A. Usually Sonya does most of the contacting.

10 Q. Okay.

11 A. But, you know, I see Keith, you know, at
12 conferences and whatnot, and I'll see him --
13 occasionally, I'll contact him. Not very often.

14 Q. So back to this pre-match process, as I
15 understand it, the pre-match is a comparison of the
16 Harris County voter registration database to the Harris
17 County portion of the state driver's license database.

18 A. Correct.

19 Q. Okay. And I assume because it's not available
20 to you, there is no similar match done, say, to the
21 passport database --

22 A. Yes.

23 Q. -- or the concealed handgun database, or any
24 of these others?

25 A. Correct.

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1 Q. So if a voter presents themselves at a polling
2 location, and let's say they have been pre-matched to
3 their driver's license, but they present their passport
4 or their concealed handgun license --

5 A. Correct.

6 Q. -- are they still going to be allowed to vote?

7 A. Of course.

8 Q. Okay. Just because you're pre-matched in the
9 software doesn't mean you're now going to be restricted
10 to using that ID?

11 A. Correct, yeah.

12 Q. On the same token, just because you're
13 pre-matched doesn't mean if a voter shows up and they
14 have forgotten ID at home that it's going to be forgiven
15 because they've already been matched; right?

16 A. Right.

17 Q. They are not going to be allowed to do that?

18 A. They have to have a photo ID, yes.

19 Q. All right. Now, you mentioned the issue of
20 hard and soft matches.

21 A. Correct.

22 Q. And who came up with what is a hard and soft
23 match, as far as your office is concerned?

24 A. Me, and my IT team.

25 Q. Okay.

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1 A. We kind of -- multiple criteria. You've got
2 Social Security numbers, for some people, the last four
3 digits in the voter registration database. You have
4 driver's license number, about half the people. You
5 have addresses, you have first names, you have last
6 names.

7 So what you look at is preponderance of
8 the data. You don't have to have the same last name for
9 me to get a match on you if you've gotten married.

10 Q. Okay.

11 A. Because I have got enough data points there
12 that I can say that's you.

13 Q. All right.

14 A. But then you get down to the soft matches are
15 the ones that say, "I can't say that's you or that's
16 you," so that to me is a soft match when it's your --
17 when it's more than one person that is a potential
18 match, then that's not a match for me.

19 Q. So in the first early voting period, in the
20 November 2013 election, when you were leaving it to poll
21 workers because you didn't have the pre-match system in
22 place yet --

23 A. Right.

24 Q. -- did you do a training on what was a hard
25 match and soft match and what was acceptable?

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1 A. We did training on similar names.

2 Q. Okay.

3 A. On what's -- in fact, I think we have a video
4 on similar names. We, you know -- and we -- because the
5 clerks that run early voting are actually our temporary
6 employees of the county clerk's office, they have been
7 there longer, they know how to use things, we can give
8 them better training, they are more of our A-team on
9 running our polls.

10 So they were able to -- we showed them
11 what similar name required and the criteria to go
12 through it. And the end result is I don't know anybody
13 that didn't get to vote because it was a similar name
14 issue in Harris County.

15 Q. All right. So when you were doing that early
16 vote period in 2013, you didn't -- you didn't use the
17 sort of hard match/soft match matrix of using multiple
18 data points, instead it was just comparing names?

19 A. The clerk is looking at the names, they are
20 looking up the person.

21 Q. Right.

22 A. Remember, the first thing when they swipe the
23 electronic system is going to do is try to match the
24 driver's license. If there is a driver's license name,
25 they will present the names that will match the driver's

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1 license, it will always be one person. So it makes it
2 easy right there.

3 But otherwise, it's going to start
4 looking at the -- if there's not a DPS ID in the voter
5 registration database, it's going to start looking at
6 address, last name type things, and present, you know, a
7 potential match to the clerk there.

8 So it makes it a short list. The clerk
9 can always ask -- if the addresses match, it's a pretty
10 easy match for the clerk then because they are presented
11 with a short list. Or then they can always ask the
12 voter, "Are you this person or this person?"

13 Q. So what if the person comes in with a
14 passport?

15 A. Same, same way. They are looking up by last
16 name. Usually they will just do a name search.

17 Q. And when they are looking up -- are they
18 looking up in the voter registration file, or the DPS
19 file?

20 A. The voter registration file was all that we
21 had at that time. You can't even look up the straight
22 DPS on our system, I don't think. Other than when you
23 swipe, it does the automatic match.

24 Q. Okay.

25 A. Otherwise, you're actually going to put in

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1 the database, first this way, then you exclude all those
2 people, and then you run ones that are left. So it's --
3 makes it easier as the pile gets smaller, the one you
4 unmatched, you're only looking at the unmatched ones.

5 Q. I assume you would be able to provide us this
6 query.

7 A. Yes, the series of queries that we used, yes.

8 Q. Okay. Did you at any time take your -- I'm
9 just going to call it a query because I don't know what
10 else to refer to it as.

11 A. Yeah, right.

12 Q. Did you at any time take the query and run it
13 by the secretary of state's office?

14 A. I don't know that we did. I don't know if we
15 did.

16 Q. I'm just trying to find out, you know, who, in
17 addition to you, helped develop that query system.

18 A. It's just -- it's basically logic. I mean,
19 what engineers do.

20 Q. Okay. All right. So the answer is outside of
21 your office, you're not aware of anybody else having a
22 hand in doing that?

23 A. No, no idea.

24 Q. Okay. On the election workers that you
25 utilized, I think you mentioned earlier that the

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1 read and, you know, help -- be able to read the
2 instructions themselves to help the clerk.

3 Q. Let me come at it from a different angle. So
4 when an election judge locates election workers to work
5 in her precinct, is it pretty much up to her discretion
6 who she hires, subject to them being a lawful citizen
7 and meeting the legal requirements for the position?

8 A. Pretty much, yeah. I mean, we -- I think we
9 do tell them, you know, we have a list of our
10 instructions that, you know, guidelines, but no hard
11 laws. The only laws are what's in the -- what's in the
12 statutes.

13 Q. I didn't know if there was a situation, for
14 example, where an election judge would identify a few
15 election workers that they thought were good candidates,
16 and then those candidates would have to be vetted by
17 somebody in your office to make sure they were.

18 A. No.

19 Q. So it's up to the election judge essentially,
20 in compliance with the applicable law.

21 A. Yeah, whatever the law is, yes, right.

22 Q. All right. Is there any kind of testing or
23 analysis of the degree to which training has been
24 successful in an election worker?

25 A. We do track complaints and other things, so we

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1 Oh, yes, there is testing. When they do
2 e-slate training, they are tested on the results of
3 the -- can they, you know, how to hook things together,
4 how to assemble the voting machines, how to, you know,
5 select the ballot style for the voter.

6 In other words, how to run the machine.
7 There is some testing that let's us know whether they
8 need training or not. Or like I said, recommendation
9 back to the parties that this person is not the best
10 candidate.

11 Q. Okay. So -- but there is no testing about,
12 you know, for example, here is a list of 14 IDs, which
13 of these are acceptable under Senate Bill 14, and then
14 election workers are expected to do it?

15 A. They're presented with a list that they have
16 right there with them at the polls of acceptable IDs,
17 they are shown those. They have the video training that
18 every one of them was supposed to watch this last time
19 on acceptable photo IDs, that are acceptable.

20 So they should have fairly good knowledge
21 and testing on -- not testing, but pretty well
22 information presented to them if they have actually paid
23 any attention to what the acceptable photo IDs are.

24 Q. Okay. But they don't have an exam that they
25 have to take before they are approved for work?

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1 A. No, I don't think there's a multiple choice.

2 Q. All right. On the substantially similar
3 issues, I have a few examples here I want to ask you and
4 see how it would come out in your match. Okay?

5 A. Okay.

6 MR. DUNN: I don't have extra copies of
7 them. There are four or five of them here. Do you want
8 to make a copy? Does it matter?

9 MR. SCOTT: I'll come look.

10 MR. DUNN: Sure.

11 MR. SCOTT: Is that all right?

12 MR. DUNN: Sure. I guess I'll just mark
13 this set as Exhibit 1. Actually, I'm going to number
14 the pages. Here we go. I do actually have an extra set
15 for you. To save us some time, I took out a few
16 examples. There you go.

17 MR. SCOTT: Thank you.

18 (Stanart Deposition Exhibit No. 1 was
19 marked and is made a part of this deposition.)

20 Q. (By Mr. Dunn) All right. I've handed you
21 Exhibit 1 which contains six pages which I have now
22 numbered.

23 A. Uh-huh.

24 Q. So starting with Page 1, if you take a look at
25 this example, it gives you the information on a poll

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1 Q. Okay.

2 A. You would need more information than just
3 this.

4 Q. So from your viewpoint, this is a voter that
5 would either be rejected or given a provisional
6 affidavit?

7 A. The potentiality would be there, yes.

8 Q. Okay. Well, and I guess you use the word
9 "potential." And that's a good point. Does that mean
10 that some election workers may look at this and say, "I
11 think this is the same person, so I'm going to let them
12 vote," other election workers would say it's not?

13 A. There could be more -- if more information was
14 provided than just this, then the election worker might
15 accept. But with just this only, I would think that
16 they would ask this person to vote provisionally.

17 Q. Okay. But it's possible that an election
18 worker might not?

19 A. Like I said, I don't know of anybody that was
20 turned away from voting in our elections in Harris
21 County due to a similar name issue.

22 Q. Okay. And I appreciate that.

23 A. Yeah.

24 Q. You told me that.

25 A. Yeah.

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1 Q. I thank you for that.

2 A. Yeah.

3 Q. But focusing on this example, is it possible
4 that if this person appeared in Harris County, for one
5 election worker they would be permitted to vote a full
6 ballot, and another election worker would give them a
7 provisional ballot, or reject it?

8 A. I would suspect if this was the only
9 information given, that they would be asked to vote
10 provisionally.

11 Q. Okay. If you could go with me to Page 2. On
12 Page 2, we have the same first name, a different last
13 name, female individual, at least if Elizabeth is a
14 female name. Date of birth is the same. And then the
15 address is different. Do you agree that's a summary of
16 the information on Page 2?

17 A. Correct.

18 Q. Okay. So what -- how would this person be
19 handled in a Harris County voting location, if that's
20 all the information you have for them?

21 A. Once again, I would think that is insufficient
22 to say it is the same person.

23 Q. Okay.

24 A. Once again, like I said, our database has more
25 information, and we likely would have -- if it is the

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1 same person, we likely would have matched them.

2 Q. And do you recognize that -- again, focusing
3 on only the information.

4 A. Right.

5 Q. The only information you have, do you
6 recognize a different poll worker would come to a
7 different conclusion than you just came to?

8 A. That they would let them vote?

9 Q. Yes.

10 A. That's not how we trained them.

11 Q. Okay. So in your view, as long as your
12 training has been successful, a hundred out of a hundred
13 times this person presents themselves to different
14 people, they're going to get rejected from voting?

15 A. They're going to be allowed to vote
16 provisionally.

17 Q. Okay.

18 A. Every person gets to vote provisionally. And
19 so they have the opportunity then to provide, you know,
20 proof of that they are the matching -- same matching
21 person --

22 Q. Okay.

23 A. -- to the authorities. Yeah, to the
24 authorities, to be counted.

25 Q. Now, on Page 3, in this example, the U.S.

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1 passport doesn't have an address on it.

2 A. Correct.

3 Q. Okay. So the passport has a date of birth and
4 a name, again, in this case a woman. And their poll
5 book has the same first name, different last name, same
6 date of birth. And, of course, the poll book also has
7 an address.

8 How would this person be dealt with by
9 one of your election workers who's properly responding
10 to their training?

11 A. My suspicion is that they might let them vote
12 if they asked if they still lived at such-and-such
13 address.

14 Q. Is that the correct judgment, in your view?

15 A. They would ask for more information, they
16 probably would ask, "Do you have something else other
17 than just the passport?"

18 Q. And assuming the voter says, "This is what I
19 got, this is all I have."

20 A. They would make a call downtown, they might
21 end up talking to Doug Ray here.

22 Q. Okay.

23 A. "Doug, what's your best opinion on this one?"
24 Because our goal is let everybody vote.

25 Q. Okay. Obviously, that's easy you could just

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1 do that, but then you're not really complying with

2 S.B. 14.

3 A. No, I understand. They would probably end up
4 voting provisionally.

5 Q. If you were making the decision, that's your
6 judgment?

7 A. Yes, that would -- if that is all that's
8 there.

9 Q. Okay.

10 A. Then that's probably the right answer.

11 Q. All right. I've just got a few more of these.

12 A. Okay.

13 Q. Page 4 now.

14 A. All right.

15 Q. We have a Christopher Johnson, in the poll
16 book, it's Chris Johnson. In the driver's license
17 database, it could be a male or female, I assume.

18 A. Right.

19 Q. And the date of birth is different.

20 A. Right.

21 Q. But the address is the same.

22 A. Yeah, but the first part of the name is the
23 same, too. That's part of our criteria, we will look at
24 pieces of the name.

25 In fact, we will look at the pieces of

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1 the name, first, middle, too, to help us identify
2 because that's very common that people go by a middle
3 name.

4 Q. Sure.

5 A. Or go by something different. But yes, that
6 would be a pretty obvious match. We would actually
7 have -- if there is not another obvious other Chris
8 Johnson at the same address -- wait a second. These are
9 different dates of birth.

10 That would -- that's probably a father
11 and a son. So we would probably -- what's going to
12 happen is more than likely is we're going to match it to
13 the right one, though.

14 Because you're going to be presenting me
15 with this here, but if there's another registered voter,
16 we're probably going to capture the right birthday date.
17 We would probably have pre-caught this because of the
18 birthday match.

19 Q. So your poll worker would look at it and say,
20 "This guy obviously wasn't born in 1911, so it must be
21 the other one"?

22 A. No, no. We would do a match -- the date of
23 births here are so far off, that this -- we would have
24 matched to the correct one with the correct birthday,
25 probably be pre-matched.

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1 So our election worker wouldn't probably
2 have to do anything, in this example.

3 Q. So which one of these would you work off?

4 A. You wouldn't work with either one, because
5 that's not a match.

6 Q. Okay. But when the voter comes in --

7 A. The voter will more than likely -- Christopher
8 Senior here, okay, the one that's born in 1911, he's
9 going to be obviously that he's born in 1911. He's over
10 100 years old.

11 Q. Okay.

12 A. In fact, more than likely, this person is
13 voting by mail and not showing up.

14 Q. Or maybe even dead.

15 A. Or even dead, correct. Probably the younger
16 one, if -- this is a different person because of the
17 date of birth. One is a senior, one is a junior.

18 I would think that we would not have
19 pre-matched this. Then it would come down to the date
20 of birth would be the criteria that would say probably
21 don't -- you would vote provisionally if you would let
22 this person vote at all.

23 Q. All right. Well, we know the voter comes in
24 with an ID that has their picture on it.

25 A. Correct.

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1 Q. That they are Chris Johnson born on

2 August 2nd, 1994.

3 A. Correct.

4 Q. And he says he was registered to vote.

5 A. Uh-huh.

6 Q. When you look it up in the database, though,

7 the only entry you see is this other Chris Johnson.

8 A. If that's the only one -- like I said, when we

9 do our matching, we'll look at all of them, and we're

10 going to try to match the one that they think matches.

11 Q. Okay.

12 A. We would not pre-match to the wrong one. So,
13 yes, in this case, to me that's a different date of
14 birth.

15 Q. So any time you see a different date of birth,
16 you would consider that a not match?

17 A. No. Here is what we would do, and our process
18 is we would call voter registration would get involved
19 in this, and they would actually pull up the
20 application, the actual image of the physical card, and
21 they would be able to look if that's the date on that
22 card.

23 Then the date that we have in our
24 database would be legit and, therefore, they would say
25 that's the same person.

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1 Q. You're saying the poll worker would get
2 somebody on the phone and work this problem?

3 A. Yes, yes.

4 Q. In the meantime, there's a line backing up, I
5 would assume, because that's one worker --

6 A. No, we got more than -- early voting, we got
7 multiple workers. Like I said, we pre-matched on
8 election day.

9 And also on election day, if the worker
10 sees it's a different birth date, it's a different
11 person, it's a senior. So I would think that if they
12 are not able to get ahold of someone that could verify
13 the image, which more than likely that's what they would
14 do, they would probably make them vote provisionally.

15 Q. So there is this variable where the election
16 worker says, "I'm going to investigate this further," I
17 mean, some, as you've already recognized might say,
18 "Look, it's a different date of birth, it's a
19 provisional ballot," that's the end of the query, would
20 you agree?

21 A. If the voter complains, they would call the
22 office.

23 Q. Okay. So if a voter would get angry or maybe
24 push back, then you would expect the voter to contact
25 your office, and as you suggest, maybe the tax office

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1 would pull up the original voter registration card --

2 A. Right.

3 Q. -- and see if maybe this date of birth on the
4 poll book it was entered incorrectly?

5 A. Incorrectly entered in the databases, yes.

6 Q. And through that process, who would be the
7 decision-maker? Once the decision was made to call the
8 county office on this voter, now who is going to decide
9 whether they get to vote a full ballot?

10 A. When the voter reg tells them it's a typo in
11 the database, they go ahead and let them vote a regular
12 ballot.

13 Q. Would your office be involved in this call at
14 all, other than the election worker works for you?

15 A. I don't think so. At this point in time, no.

16 Q. Okay.

17 A. We have a good working relationship on
18 election day with them. They have their phone bank down
19 there, and that's how they're -- we're going to the
20 source for these kind of informations, so we let them be
21 the authority on looking back at the regs.

22 And that's the best thing, go back and
23 look at the original image of the voter registration
24 base, make sure there wasn't a typo in the database so
25 the issue can be resolved.

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1 And if it was a typo, then the voter
2 would vote regularly. If it's different, then the voter
3 can only vote provisionally.

4 Q. All right.

5 A. For all purposes, it's a different person.

6 Q. Now, if you go with me to No. 5, this person
7 shows up with a military ID. So he didn't have a date
8 of birth or an address on it.

9 A. Right.

10 Q. It's just got their name. But they are in the
11 poll book.

12 A. Right.

13 Q. They have a date of birth there.

14 A. Right.

15 Q. A date of an address. Is this person going to
16 be allowed to vote?

17 A. To my knowledge, everybody who came with a
18 military ID that had a matching name, they accepted them
19 to vote.

20 Q. So somebody uses a military ID because it has
21 less data on it, just naturally has a better chance of
22 getting accepted to vote than somebody who brings in,
23 say, a driver's license which has an address and date of
24 birth that might not match, would you agree?

25 A. No, because nobody was denied the vote

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1 because -- that I know of, in Harris County, because of
2 an ID issue.

3 Q. All right. I keep hearing you say that.

4 A. Yeah.

5 Q. I don't have any reason to disagree with that.

6 A. Yeah.

7 Q. Instead, I'm going about a very specific
8 situation, and all I'm asking you is: Since a military
9 ID doesn't have a address and date of birth, it's going
10 to necessarily be easier to vote and get a match with
11 than a driver's license which has a date of birth and an
12 address.

13 MR. SCOTT: Objection; form.

14 Q. (By Mr. Dunn) Or do you know?

15 A. My suspicion is, once again, the clerk would
16 probably ask for more information if they have it, if
17 the voter has it. If they didn't, more than likely,
18 yes, they would be allowed to vote.

19 Q. All right. And if the clerk did ask the
20 citizen for more information, at that point they would
21 just be taking the citizen's word for it; right?

22 In other words, if they said,
23 "Ms. Johnson, what's your date of birth: And she says,
24 "November 4, 1994," then you could say that's a good
25 match?

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1 A. Usually a voter would pull out a photo ID or a
2 driver's license, something of that nature.

3 Q. Okay.

4 A. That's the practice.

5 Q. Usually.

6 A. Usually, I would not say exclusively, yes.

7 Q. And then the last example, No. 6, again this
8 is a --

9 A. That would be a hard one, yes. I would think
10 with that information, that information only, and that's
11 all the voter had, it would be difficult to allow that
12 person to vote, other than provisionally.

13 Q. Okay. Again, we're on Page 6 of Exhibit 1.
14 Here it's Elizabeth Smith in the poll book. There's a
15 date of birth, there's an address, but she presents a
16 military ID that only has a name on it and it's
17 Elizabeth Johnson.

18 A. Yes. Without her providing more information,
19 I would suspect the clerk would ask her to vote
20 provisionally. But, here again, I don't know of anyone
21 in Harris County that went down this path.

22 Q. Okay. Has your office at any point compiled a
23 list of nicknames?

24 A. I don't think -- I don't think we did any
25 matching with nicknames. Other than like I said,

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1 looking at middle names as a possible match to a first
2 name, we did that kind of stuff. But not necessarily a
3 Richard/William type nickname list.

4 Q. How about any investigation of Hispanic
5 nicknames and Hispanic names that match other similar
6 names?

7 A. I don't believe not in our matching that we
8 did, I don't think we did any of that.

9 Q. Okay.

10 A. I think now for statistics basis, maybe some
11 of the people have done that, but not for actual
12 voting-type issues.

13 Q. So, you know, I consider myself 99.9 percent
14 ignorant in being able to match Hispanic names with
15 Hispanic nicknames, but I am told that Kiko and Nacho
16 are nicknames or full names that people use for other
17 names.

18 A. Right.

19 Q. So when you perform your hard and soft match
20 that you provide to the poll workers, how do you make
21 sure, if at all, that you're catching those?

22 A. We didn't.

23 Q. Okay.

24 A. I mean, that's -- I can't make that
25 assumption, so that would not -- that's -- if I don't

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1 have enough other data points that would help me match,
2 that would not be a criteria to match, the nicknames
3 stuff.

4 Q. Would it be the same, say, for example, for
5 Chuck and Charles?

6 A. Like I said, if we look at the three, maybe
7 first three letters, but you're going to look at other
8 data points, too.

9 Q. Okay.

10 A. We don't go -- we didn't go down the path of
11 nicknames. I imagine you could probably match some
12 people on that, but that's work.

13 Q. Okay.

14 A. I mean, to me that's not as straightforward,
15 so we left that into those that aren't our hard match,
16 we will give that on discretion of the election worker.

17 Remember, we've got Spanish translators
18 at just about the majority of our posts, too, so they
19 would know that information, so they could use their
20 knowledge to help identify a similar name if we did not
21 have it hard matched on all the other data elements.

22 Q. You said something there I want to make sure I
23 understand. Is it the case when you did the query
24 electronically, you would just match the first three
25 characters, is that what I heard you say?

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1 A. Sometimes, along with other data points.

2 Q. Okay.

3 A. Like I said, I can show you the breakdown of
4 how we would match.

5 Q. So sometimes in your query that you would run,
6 you would be looking for a full match on the name, and
7 sometimes you would say, "Well, if we had the first
8 three letters of a name or each name," and then this
9 other factor was the same, we would consider that a
10 match; is that right?

11 A. I would have to go back and look at the
12 specifics.

13 Q. All this would be in the query you ran?

14 A. Yes. Like I said, if it's not -- we had more
15 criteria we did we found that wasn't perfect. Like I
16 said, if I couldn't get a 99.99 percent match, I didn't
17 want to use it.

18 Even though there was a lot of what I
19 call close matches or, you know, suspected matches,
20 there wasn't enough data points there for us to say,
21 yeah, that's the same person.

22 Q. All right. So when you have a close match, as
23 you just described it, in that case you give that person
24 a provisional ballot?

25 A. No, I leave it up to the election judge at the

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1 location to determine whether it's the similar name as
2 the same person.

3 Q. I see. So this pre-match that you're
4 performing is advisory?

5 A. Pretty much, so, yes.

6 Q. Okay.

7 A. We're pretty confident in the advice we're
8 giving them, but if they find out -- I haven't heard of
9 anywhere it's incorrect, okay?

10 Q. Okay.

11 A. Feedback, it was incorrect. But, of course,
12 the ones that we don't match, then it's up to the clerk
13 to determine if that person does show up, you know,
14 which one is the ones in the poll book is this person.
15 They are going to ask them, to some degree in their
16 judgment like they have always done. Some they know the
17 person, too.

18 Q. Right. So if they know the person and they
19 otherwise see something there on the ground --

20 A. Right.

21 Q. -- that is inconsistent with whatever maybe
22 match your office has performed, they are trained, go
23 with what you're seeing, use your judgment there in the
24 field?

25 A. Yes. A similar name would not work without

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1 them being able to do that.

2 Q. Okay. You've mentioned several times that
3 there was nobody that was rejected for a name mismatch;
4 is that right?

5 A. To my knowledge, yes, yes.

6 Q. Okay. And so of those people that you
7 itemized for us earlier that had cast provisional
8 ballots related to ID, none of those were name
9 mismatches?

10 A. Yes. They came in with ID, they showed up
11 with no ID. Some of them forgot them at home, or
12 whatever.

13 Q. Okay.

14 A. They somehow got to the poll and it was
15 someone else, and had gotten it and decided, "Well, I'll
16 just go ahead and vote now provisionally." And after
17 the election results was seen, they probably didn't
18 bother to come cure it because it wouldn't have made any
19 difference.

20 Q. Did anybody tell you that that's what they
21 did, or that's just your belief?

22 A. That's just my belief.

23 Q. Okay.

24 A. Knowing that people do have IDs, that I would
25 be able to see, like two-thirds of them did, that didn't

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1 by phone, or mail, or e-mail, or all three?

2 A. I've got -- probably got a few e-mails and a
3 few by phone, but like I said, pretty small numbers.

4 Q. The ballot board, did the Harris County ballot
5 board refuse to tabulate professional ballots from
6 voters who didn't come and cure?

7 A. Not to my knowledge.

8 Q. So it's your belief that the cured ballots
9 were tabulated and included in the official results,
10 even if the citizen didn't come and cure?

11 A. Oh, no, no. I'm sorry, no, only the ones that
12 cured actually would be the ones that count. The ones
13 they did not cure, no, they did not get counted.

14 Q. Okay. Do you know what the cost is? And this
15 may be outside your wheelhouse, but do you know what the
16 cost is to get a marriage certificate in Harris County?

17 A. Seventy-two bucks, I believe.

18 Q. Seventy-two?

19 A. Yes.

20 Q. Okay.

21 A. Seventy-one or 72.

22 Q. Okay.

23 A. Make it 72.

24 Q. And I should have been more clear, not
25 somebody who is --

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1 A. And you are saying a certificate or license,
2 okay, that's a license.

3 Q. Right.

4 A. Okay. You want a certificate. It seems like
5 it's 22, but don't hold me to that.

6 Q. Okay. Like I said, some of these things you
7 may not know anything about.

8 A. Since my office does that, I do know about it.

9 Q. Does your office, when you're doing a
10 pre-match during an election, the poll worker, have the
11 ability to look up marriage activity in any other
12 county?

13 A. No.

14 Q. In other words, if Elizabeth Johnson came in
15 and one of her records showed Elizabeth Shaw and she
16 said, "Well, I got married, and that's why it's
17 different," your office wouldn't have any way to figure
18 that out unless it happened in Harris County?

19 A. We do have -- I mean, we do have access to the
20 whole voter roll in the whole State of Texas and the
21 whole DPS for the whole State of Texas. So maybe we
22 could figure out some of that stuff, but that's not a
23 focus. That's not something we normally do.

24 Q. Okay. So in that example with Elizabeth
25 Johnson shows up with an ID says this and Elizabeth Shaw

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1 for the clerk to accept that person as with the passport
2 for as the same person.

3 Q. If they have a passport but they don't have a
4 driver's license, and it was never issued to them --

5 A. Oh, okay. Well, then I couldn't do that, of
6 course. Got it.

7 Q. Then you'll just have Elizabeth Johnson on the
8 passport with a date of birth, Elizabeth Shaw with a
9 date of birth on the data roll, and an address.

10 A. Correct. That wouldn't be enough data points.

11 Q. They would be provided a provisional ballot?

12 A. Unless the voter provided some other
13 information that had an address on it for us.

14 Q. Oh, so could they bring their light bill?

15 A. They are not supposed to, but I would suspect
16 if they did, that might be something that you would
17 convince a clerk to do.

18 Even though the training says otherwise,
19 or they know the person, or something like that.

20 Q. Okay.

21 A. Yeah. The idea is to get as many people
22 voting as possible that should be voting.

23 Q. Do you know who in Harris County, you know,
24 what jurisdictions have the authority ability to issue
25 birth certificates?

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1 A. My office does.

2 Q. I can go buy a birth certificate from the
3 Harris County Clerk?

4 A. Yes, we can get it for the whole State of
5 Texas, you know, a registered copy at my main office
6 here, or the nine branches around the county.

7 Q. Do you know what that costs?

8 A. I think it's around 22 bucks, but I'm not
9 positive.

10 Q. Do you know what other -- or even how many
11 other jurisdictions in the county are able to issue
12 birth certificates?

13 A. I think we're the only one.

14 Q. Okay. There has been some discussion in this
15 case about the cost of birth certificates being waived
16 for some set of circumstances. Are you familiar with
17 those requirements?

18 A. Vaguely. I think I've heard that, yes. Yes,
19 in fact, yeah, they waive most of the fees, I think, for
20 that.

21 In fact, I think all except for \$2 or
22 something is waived. And I didn't advertise this to the
23 public, but I did tell my staff, if that is an issue for
24 someone who wants one, I would personally pay that out
25 of my pocket. Don't advertise that to the world.

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1 Q. Okay. So did your -- I understand you didn't
2 advertise that.

3 A. Yes.

4 Q. Okay. But did your office advertise that the
5 fees would be forgiven for birth certificates if
6 somebody couldn't afford one?

7 A. I don't recall that we did.

8 Q. Do you know whether your office ever did
9 actually forgive the fees?

10 A. I don't think we had anybody ask.

11 Q. Okay. I guess that's a good point.

12 A. Yeah.

13 Q. So if I walked into the Harris County Clerk's
14 office and everything is working according to the
15 training -- all right?

16 A. Yes.

17 Q. And I ask for an ID, am I told, if you can't
18 afford it --

19 A. Let me take that back.

20 Q. Okay.

21 A. I think it did happen. And I just don't know
22 how much it happened, but it seems like I remember the
23 discussion. That's why I came up with the discussion
24 about the extra \$2, and I said, "Well, if they make an
25 issue of that, I'll pay that."

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1 But I just don't know how much it
2 happened. But yeah. Did we overly advertise it, I
3 don't think we did. But if it was an issue for the
4 person, then, of course, the waiver of the fee, I think,
5 would come into play.

6 Q. So if a person walks up to the desk and says,
7 "I want a birth certificate," they're going to be told,
8 "Okay, it's \$22," and they say, "Oh, okay, thanks
9 anyway," and leave.

10 A. Okay.

11 Q. Then they are not volunteered and told, "Oh,
12 wait a minute, if you can't afford one, we can pay it
13 for you"?

14 A. I don't know.

15 Q. Okay.

16 A. I don't know the answer. We would have to ask
17 the people that work in those departments. Whatever
18 guidance was given to them, from the state, is what they
19 followed, is my assumption.

20 Q. What is the name of the sub-unit of your
21 department?

22 A. Vital statistics.

23 Q. Vital statistics?

24 A. Or personal records, I guess. Personal
25 records department.

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1 their Web site that let's people see some things. I
2 don't know how much it let's them see.

3 Q. Okay.

4 A. I've never personally done it. My staff might
5 use it, might not use it, I don't know.

6 Q. So if a voter were to report to vote at one of
7 your voter registration, and their ID doesn't match the
8 voter registration records, and they say, "I've got a
9 court order changing my name," what, if anything, is
10 required to let them vote a full ballot?

11 A. Hopefully, we've pre-matched that person so
12 that wouldn't be an issue for the clerks.

13 Q. Okay.

14 A. Here again, they can call downtown, and
15 potentially we can look that up ourselves. But like I
16 said, I don't know of anybody on a similar name issue
17 that was denied the right to vote in Harris County.

18 Q. So when somebody comes, and if they had a
19 certified copy of their record or their name change, is
20 that something that the poll worker is trained to
21 accept?

22 A. No, they are not trained to accept that, no.

23 Q. Okay.

24 A. Like I said, though, nobody, to my knowledge,
25 was refused so somehow or another --

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1 location that we know about that we could be -- a place
2 to use. So we used some intelligence behind it.

3 Q. Good. Is this geocode map in the documents
4 produced?

5 MS. ASTON: Probably.

6 A. I don't know. It might have one of those
7 created and thrown away at the time, though, too.

8 Q. (By Mr. Dunn) I didn't see it, but it's a lot
9 of stuff. I could have missed it.

10 A. I mean, we could have someone redo that. It's
11 probably in a Web shot, create, thrown away after use.

12 Q. I see. Okay. Did you attempt to analyze the
13 racial characteristics of the Zip codes --

14 A. No.

15 Q. -- that had a large number of non-matches?

16 A. No, no. It's just the ones that we don't
17 match.

18 Q. All right. Now, I want to talk about the
19 disability exemption. Do you know of anybody in Harris
20 County in these past elections where S.B. 14 has been in
21 effect obtained a disability exemption?

22 A. I believe there was a few, at least one, two,
23 something. The tax office would have a better idea of
24 that than I would, but I would believe there was.

25 Q. Okay.

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1 A. I don't know the exact number. Very small.

2 Q. Did you -- when S.B. 14 was being crafted, did
3 you have any input in the bill?

4 A. No, not really. I mean, other than mechanics.
5 That's a good -- don't do that because it might break.
6 But, you know, there was always -- I mean, we get asked
7 things because we're so large.

8 Q. Who was it that you consulted with on the bill
9 in the legislature?

10 A. I don't recall. I mean, it was usually the --
11 information from maybe the secretary of state, don't
12 break this. But it wasn't -- we weren't very involved
13 in it, let's put it that way.

14 Q. Okay. And I guess that's what I'm trying to
15 find out --

16 A. Yeah.

17 Q. You know, if you were on the -- I believe one
18 of the sponsors, for example, was
19 Representative Harless, a Houston state representative.

20 A. Yes, yes.

21 Q. You were on the phone with her in her office.
22 Or Senator Fraser.

23 A. Very little on the phone. Even though she was
24 my state rep, I was on there very little, very little
25 discussions with her.

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1 a minute. I'm pretty close to finished, and so we'll
2 come back in about five, ten minutes.

3 A. Okay. Sounds great.

4 (Recess from 12:15 p.m. to 12:21 p.m.)

5 Q. (By Mr. Dunn) So just to clarify, while we
6 were on break, you learned that after the election, an
7 e-mail from your office was sent out to election
8 judges --

9 A. Uh-huh.

10 Q. -- to give any feedback about issues that
11 arose.

12 A. Yeah, positive or negative. Usually we
13 emphasize the positives.

14 Q. Okay.

15 A. But it's nice to get some of the good things
16 that went on on election day.

17 Q. Did you get any S.B. 14-related feedback?

18 A. We might have. I don't know. We would have
19 to double-check with that. And I'm sure it would be
20 captured in the e-mails if it was.

21 Q. Did you at any point purchase something or pay
22 money to the Secretary of State for materials or
23 information you used to implement S.B. 14?

24 A. I don't know of anything. I don't think so.

25 Q. Okay.

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1 Department of Justice, representing the United States --
2 one of the attorneys representing the United States.

3 And, Mr. Stanart, I, to, will attempt not
4 to talk over you. And all the rules of the road that
5 Mr. Dunn laid out at the outset for depositions are
6 still -- still apply.

7 I'm going to keep this relatively brief
8 because he covered most of the areas I was interested in
9 covering, quite frankly. But just a few follow-up
10 questions.

11 You had discussed at one point the effort
12 to publicize the new ID requirement. And among other
13 things, you mentioned billboards that have gone up.

14 A. Yes, sir.

15 Q. Is that right?

16 A. Yes, sir.

17 Q. And where were you -- what decision did you
18 make about where to put up those billboards? How did
19 you decide which parts of the county to put those
20 billboards up?

21 A. Well, the space was actually donated by Clear
22 Channel.

23 Q. Okay.

24 A. And so they pretty much kind of selected the
25 locations based upon their availability, because we

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1 basically only had to pay for the vinyl. And so it was
2 kind of a partnership with them.

3 So that they used, you know, free space
4 they had, and they did kind of -- but, you know, they
5 kind of picked, you know, so we would get the most
6 exposure.

7 But also they were restricted by what was
8 available that they wouldn't sell to a paying customer.

9 Q. I see. So do you know how many billboards you
10 put up for on this issue? Let's say in the lead up to
11 the November election.

12 A. I believe it was 40.

13 Q. Forty?

14 A. Yes, sir.

15 Q. Do you have a sense where in the county those
16 billboards went up?

17 A. They were just all over the county. Like I
18 said, it was driven by what was available by Clear
19 Channel that they didn't have a paying customer paying
20 for at that time.

21 Q. Okay. So you have no sense as to where -- if
22 all the billboards were in one part of the county, you
23 wouldn't know, or generally, what's your sense of it?

24 A. No, they were distributed through all
25 population centers, and we actually did have some of the

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1 billboards in Spanish, as well as Vietnamese and
2 Chinese, and those were targeted other language than
3 English was actually trying to target into the high
4 population centers of that language.

5 And Clear Channel, they know their
6 customers, and they know where they would position those
7 to have the most impact.

8 Q. Okay. And did you -- in the documents you
9 provided us in discovery, did you -- is that -- does
10 that include information about where those billboards
11 went up?

12 A. I don't know. I mean, it might.

13 Q. Okay.

14 A. I think it does include the examples of the
15 billboards in the four languages.

16 Q. Okay. But you could provide that to us?

17 A. I think we could probably get that from Clear
18 Channel.

19 Q. And what can you tell us, generally, about the
20 type of information that was on those billboards?

21 A. It was real simple. It had a picture of a
22 photo ID on it, and the message was, "Bring your photo
23 ID to the polls." And then we had a link to our Web
24 site, harrisvotes.com. And then I think we had, you
25 know, my name, County Clerk, Stan Stanart.

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1 Q. Okay.

2 A. And it had my title, too, to know who's
3 sending the message out.

4 Q. Okay. Great.

5 A. You know, as few words as possible to get the
6 most impact.

7 Q. Okay. Good. And the image that was used in
8 that billboard, was that included in the information you
9 provided us?

10 A. Yes, I believe so, yes.

11 Q. Okay. And what, if anything, did that
12 billboard advertise and say about the ability to obtain
13 an EIC or another type of ID?

14 A. Well, it didn't because, you know, billboards,
15 you've got just a quick snapshot of the message, but it
16 did have harrisvotes.com on there, in there in white on
17 a black bar that ran across two-thirds of the way down.

18 And on harrisvotes.com, we talked
19 about -- we had a link on the main page, you know "photo
20 ID required." And on that page, we talked about photo
21 IDs, and we had a page on EICs as well.

22 Q. So just to clarify, you're not talking about
23 what the text is on the Harris County link, but in terms
24 of the advertisements, on the billboard, what did that
25 advertisement say about getting, if anything, about

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1 getting an ID?

2 A. All it said was --

3 Q. How to get an EIC ID?

4 A. No, it did not address that. It said, "bring
5 your photo ID to the polls," and it had the Web site
6 link.

7 Q. Okay. And you also, I believe, discussed
8 brochures that your office has produced on getting the
9 word out on the ID requirement; is that right?

10 A. Correct.

11 Q. Okay. And is that also a document that's been
12 provided in the course of discovery?

13 A. Yes, it is. And like I said, it's also in all
14 four languages.

15 Q. Okay. And what does that document say about
16 getting an EIC, if anything?

17 A. I don't have one in front of me to look at.

18 Q. Okay. To your knowledge, do you know if it
19 says anything about how to obtain an EIC?

20 A. I'm not positive. I suspect it does. I do
21 know we did press releases that talked about the EICs
22 and the locations where people could obtain the EICs.

23 Q. Okay.

24 A. And we did get a lot of media from the
25 billboards. We actually made the front page of the

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1 press releases for more details.

2 Q. Okay. But I understand that you identify the
3 Web site, but in terms of the routine, sort of press
4 release relating to elections that also discuss the ID
5 requirement, what do they say about how to get an EIC,
6 if anything? Do they say anything?

7 A. Some of the press releases did. But like I
8 said, it was more appropriate right before the November
9 election, and before the primary, but you have the --
10 you should have all the press releases in the documents
11 that's been provided to you.

12 Q. Okay. Thank you. Now, with regard to the --
13 to concerns about whether there are residents in the
14 county who are otherwise eligible to vote who don't have
15 photo IDs, is that a concern that has been brought to
16 the attention of your office since the passage of
17 S.B. 14?

18 A. Most of the community organizations that I
19 know of that I've worked with, in talking to the League
20 of Women Voters, have all told me they are all trying to
21 get people to use the personal IDs instead of the EICs
22 because it has much more use as an identification
23 document. It can be used to cash checks, and to go to
24 the airport, to go to city hall, other things.

25 And if you're over, I believe, 62, it

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1 we received around ID issues has been insignificant.
2 And the number of people who actually cured and have
3 dealt -- trying to get an EIC has been very, very small.

4 Q. Now, has the secretary of state's office
5 provided you with any information about whether there
6 might be residents in your county without IDs, without
7 picture IDs?

8 A. No, I don't think there's very many out there
9 because they can't get any government services without
10 having a picture ID these days.

11 Q. Have you determined whether there are certain
12 areas in the county where this may be more of an issue
13 than in other areas?

14 A. No. Like I said, I don't know of any -- I
15 know of -- I don't know of anybody who is in this
16 category that's -- almost hypothetical category because
17 you can't -- there is here no government services you
18 can have without a photo ID.

19 You can't go to the -- you can't cash a
20 check, you can't do anything a normal person would do
21 without having a photo ID.

22 Q. Now, you were -- you mentioned, I think, the
23 total of provisional ballots that were cast, I believe
24 in the 2013 election because of the ID requirement. I
25 believe you said it was 105; was that right?

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1 district in the county, to every principal. We
2 communicated to the high schools. Of course, you can't
3 vote the other ones.

4 But we communicated to them that they
5 needed to have a photo ID to vote. And gave them
6 information about, you know, going to our Web site for
7 more details.

8 We had these posters put out that we
9 distributed to them about this information. We did our
10 darnedest to get the word out.

11 We got the media involved because they
12 had the big bullhorns, whether through the radio, or
13 through the TVs, or the printed press, and also in every
14 language.

15 We got the word out to them about the
16 need. And then there was -- so there was many, many
17 columns written, tons of information put out to the
18 voters that, you know, you need a photo ID to vote. And
19 the end result, I believe, show that we did a good job
20 in getting the word out.

21 Q. Okay. And I'm not sure I fully followed the
22 comparison that you said you did between your voter
23 registration list and the DPS database.

24 I think you said that there was
25 discrepancies that resulted in 93 -- 90,000?

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1 A. 90,000 that -- a little over 90,000 that did
2 not have a hard match.

3 Q. 90,000 that didn't have a hard match.

4 A. In other words, I wasn't confident that it was
5 the same person.

6 Q. Okay.

7 A. So if we didn't have a 99.99 percent
8 confidence that it was the same person then we didn't --
9 even though we might know it's one of these two people,
10 it was not -- it didn't meet my criteria.

11 Q. Okay. So this is my point of confusion. So
12 part of this is whether there's a discrepancy between
13 the names and there's not an exact match.

14 A. Correct.

15 Q. But then there is also -- is there also
16 another -- does that 90,000 also include all those
17 individuals for whom they are only on the registration
18 list, and you cannot find any photo ID for them in the
19 DPS database, is that --

20 A. Well, no. It's also I can't give a hard
21 match. It's like, you might match two or three people,
22 but there's not enough data points there for me to say
23 which one of those three people you are.

24 In other words, there is insufficient
25 data in the voter database -- voter registration

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1 database to actually hard match.

2 If we had a driver's license in the voter
3 registration address for every one of them, then we
4 would -- it would make it pretty easy on us, but we
5 don't. We've only got it for about half of them.

6 Q. I see. So -- I'm sorry I'm being obtuse. So
7 at the end of the day, can you tell what percentage of
8 those -- of the 90,000 is coming from discrepancies
9 between the -- let's say the driver's license and the
10 registration, and what percentage just don't have a
11 driver's license?

12 A. I have no way of knowing that they don't have
13 a driver's license, or a personal ID. Remember, the DPS
14 database includes people who have personal IDs.

15 Q. Right, right.

16 A. And that's over 200,000 people of our
17 registered voters, if I remember right. It's a huge
18 number.

19 Q. Right. Okay. Thank you. That's helpful.

20 One moment, please.

21 A. Okay.

22 Q. Now, going back to this issue of the
23 provisional ballots that were cast. To what extent do
24 you have any information indicating that the voters who
25 cast provisional ballots because of the ID requirement

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1 would be unqualified to vote, or otherwise ineligible to
2 vote were it not for the photo requirement? Do you have
3 any such information?

4 A. No, I don't think there's any way to come to
5 that conclusion. We went to great lengths to help the
6 voters deal with the cure process. The tax office is,
7 you know, two floors -- two floors below us.

8 And we actually brought in DPS to do the
9 cure here in my offices, too. So we had a one-stop shop
10 for the voters.

11 So they -- you know, I just don't see
12 where there's any evidence that those that didn't come
13 cure didn't have IDs, because there wasn't any close
14 races.

15 If there had been close races, you might
16 have drug some more people to say, "Hey, my vote would
17 make a difference." But when you have things so largely
18 different, I suspect most of the people stayed home
19 because it doesn't matter.

20 Q. What's your -- what's your perception as to
21 whether any of those ballots, those provisional ballots,
22 were cast by individuals who were not qualified to vote?

23 Do you have reason that any of those
24 individuals were, let's say, felons, or in any way
25 undocumented, or do you have any reason to suspect that?

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1 A. Well, of the 105, six of them were not even
2 registered. So that -- there's one reason why they
3 wouldn't even be qualified anyway, regardless of having
4 an ID issue or not.

5 The others, I'm not sure there's been an
6 analysis. And if there has, I don't believe I've been
7 shown that information.

8 Q. Did your office have any interest in
9 investigating whether any of those individuals were, in
10 fact, eligible to vote?

11 A. I mean, it seems like that's more of a voter
12 registration issue. But remember, everyone that did
13 not -- that did not -- whose ballot we did not count, we
14 sent them a letter telling them why it was not counted.

15 So if it was for an ID issue, you know,
16 then they were noted that they need to go get an ID,
17 whether that be an EIC, or a personal ID, or a driver's
18 license, or bring one of the other acceptable forms of
19 IDs to vote.

20 Q. Okay. Now, you mentioned that there were, I
21 believe -- was it four DPS offices in Harris County?
22 Did I get that right?

23 A. No. There's 12 permanent and four what we
24 call mobile.

25 Q. I see.

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1 A. Or temporary ones that was provided for the --
2 to support the November election.

3 Q. Do you have any sense as to whether any of
4 those offices are accessible to public transport, and
5 which of those offices are accessible to public
6 transport?

7 A. I don't know positive, but I'm certain that
8 they probably all do. But off the top of my head, three
9 of them. And I would suspect the fourth one does
10 because you basically -- other than that church, they're
11 public locations.

12 You know, like community centers, or a
13 college, or another one was a community center, I think,
14 for the city. They should have. I mean, there are
15 enough buses around Harris County that go by these
16 general areas that I can't imagine that they don't. But
17 I don't know for positive.

18 Q. And you said that when a person's applying for
19 an EIC who doesn't have a birth certificate, you can get
20 a birth certificate from your office; is that right?

21 A. That's correct. I mean, my downtown branch or
22 any of my nine satellite offices around the county.

23 Q. Okay. And you described -- and I don't think
24 I fully understand which circumstances of the cost being
25 defrayed. Are you aware of the circumstances that that

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1 want a birth certificate because I need one to get my
2 EIC"?

3 What would a person -- what would the
4 policy be in terms of how that person is charged?

5 A. They were told that the state is waiving its
6 fee. And, to the best of my knowledge, they are
7 probably told it's an additional \$2 fee. And if they
8 made an issue of that, we would waive that, and I would
9 personally pay it.

10 Q. So it's your understanding that in every
11 instance whenever an individual has mentioned that he's
12 getting an EIC and needs a birth certificate, that your
13 office has defrayed the cost?

14 A. The state, I think, waives their portion of
15 it, all except for \$2. But there's been very, very few
16 EICs issued in Harris County, it's my understanding.
17 Maybe a couple dozen or so.

18 I mean, it's not very many. So it's not
19 really -- this is not what you call an everyday issue,
20 by any means, in my office.

21 Q. Okay. And the individuals who work in your
22 office who are providing these birth certificates, have
23 they been trained on this policy? And when?

24 A. Well, the people that are in charge, they are
25 aware of it. And this, I mean, this happened back

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1 A. No.

2 Q. Would that be a concern to you if they were?

3 A. I'd have to look at the circumstances why and
4 what they're doing there. But it depends on the
5 circumstances. We've got some -- one, a criminal,
6 No. 1, is nice to know, he's there.

7 Q. Almost done. You had explained the disability
8 exemption previously, but I didn't quite follow that
9 explanation. What documents -- well, let me back up.
10 What needs to be presented in order to
11 qualify for that exemption?

12 A. Well, you actually -- believe it or not, you
13 deal with the voter registrar with this issue. They're
14 the ones who deal with this.

15 It might actually be more appropriate
16 that you ask them this afternoon. I mean, I just don't
17 know the details. They do.

18 Q. So you don't know the detail of the process by
19 which voters obtain a disability exemption?

20 A. No, because it's voter registration and they
21 administer that end of the process.

22 Q. And do you maintain the records of who gets
23 it?

24 A. Yes. It gets flagged in our system, so that
25 we do know that. We print it in the poll books so that

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1 our election workers know that they have been -- they
2 got a disability waiver on the photo ID issue, but
3 that's the extent of our training. The actual how it's
4 done is actually done through voter registration.

5 Q. Okay. And I think you had mentioned that
6 there were very few waivers up to this point.

7 A. To the best of my knowledge, it's very few,
8 yes.

9 Q. Do you have a number, or can you provide us
10 with a number?

11 A. I don't have a number, but I'm sure we can get
12 a number.

13 MR. SHAPIRO: Thank you. I think that's
14 all I have. Thank you.

15 THE WITNESS: You're welcome.

16 EXAMINATION

17 BY MR. SCOTT:

18 Q. Mr. Stanart, my name is John Scott. I
19 represent the defendants in the case.

20 A. All right.

21 Q. If, for any reason, during my questions you
22 don't understand one of them, please let me know, and
23 we'll reask it until we get on the same wavelength. All
24 right?

25 A. All right.

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1 Q. All right. What's the most populous county in
2 the State of Texas?

3 A. Harris County.

4 Q. Okay. How many, approximately, registered
5 voters are in Harris County, as we sit here today?

6 A. We're real close to two million.

7 Q. And to your knowledge, over the past three
8 major elections that have been conducted in Harris
9 County using voter ID, how many people have been
10 prevented from voting as a result of not having proper
11 ID?

12 A. It's a small number. It's what, 150
13 approximately -- what's that number I just read out?
14 Yes.

15 MR. RAY: Listen to the question.

16 Q. (By Mr. Scott) And of those, let's break it
17 back down by the election. We know in the primary
18 elections which were held back in March of this year,
19 the Republican primary, there were approximately 25
20 people who presented without proper ID and were asked to
21 cast a provisional ballot; correct?

22 A. That is correct, yes.

23 Q. And of those, at least none of those people --
24 I'm sorry, four of those people came back and provided
25 adequate identification.

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1 A. Yes.

2 Q. And those four ballots were then counted; is
3 that correct?

4 A. Correct.

5 Q. The other 21 were not?

6 A. Correct.

7 Q. Okay. On the Democratic side of the primary,
8 there were ten ballots cast --

9 A. Yes.

10 Q. -- provisionally, because they did not present
11 proper photo ID.

12 A. Right.

13 Q. One of those people came back and presented
14 proper photo ID, and that ballot was, in fact, counted?

15 A. Correct.

16 Q. Then back in November of 2013, I think you
17 said there was 105 provisional ballots that were cast
18 because the person did not have proper photo ID.

19 A. Right.

20 Q. Of those, six of them did not have -- were not
21 even registered to vote.

22 A. Correct.

23 Q. And then when y'all did a data research, or a
24 further analysis, you found that about two-thirds, or 66
25 of the remaining 99 people actually did, in fact, have

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1 photo ID through the Department of Public Service.

2 A. Yes. And eight of them actually came in and
3 cured.

4 Q. Okay. So eight out of that 99 actually came
5 and cured and their ballots were, in fact, counted?

6 A. Correct.

7 Q. Had the other, I guess, 90 -- I'm sorry,
8 60 -- what is that? So 58 people come forward and
9 brought their IDs that they, in fact, had from the
10 Department of Public Service, and done it within the
11 six-day cure period --

12 A. Yes.

13 Q. -- would your county have counted those
14 ballots?

15 A. Well, yes. Yes.

16 Q. Okay.

17 A. And more of them potentially have IDs. I'm
18 just saying those are the ones I could hard match.

19 Q. So have you -- do you still have the ability
20 to capture and turn over the identification of those 105
21 people from the November election --

22 A. Yes.

23 Q. -- that cast the provisional ballots?

24 A. Yes.

25

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1 A. To best of my knowledge, yes.

2 Q. Your department has done an enormous amount of
3 outreach to the community --

4 A. Yes.

5 Q. -- to let the folks know out in Harris County,
6 the voters, what they needed to do for an election as a
7 result of S.B. 14, and generally, just to advertise
8 elections; correct?

9 A. Yes. But we did a lot of extra effort on
10 photo ID.

11 Q. And tried to make sure that accurate
12 information was put out there to the neighbors.

13 A. Correct, yes.

14 Q. Are you aware of any politicians who have put
15 out information that was -- you would been able to
16 determine was not correct, or misinformation about photo
17 ID, voter ID, or similar names?

18 A. I think we've seen some information to that
19 effect, yes.

20 Q. Tell me what you've seen.

21 A. I mean, I don't have a document in front of
22 me, but there were people soliciting for information --
23 have we got examples of that?

24 MS. ASTON: I can't remember.

25 A. I think we've seen some information that we

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1 gotten captured.

2 Q. Now, early on in your deposition, Mr. Dunn
3 asked you to identify whether you were Caucasian or not.

4 A. Yes, sir.

5 Q. Is that -- does your race play any role in the
6 ability of you to do your job?

7 A. Not at all.

8 Q. Okay. And does it play any role in the
9 decisions you make as the chief election officer for
10 Harris County?

11 A. Not at all.

12 Q. Has it at any time during the time you've been
13 the chief election officer?

14 A. No way.

15 Q. Approximately how long have you been dealing
16 with elections, including your time as the chief
17 election officer, election judge, election clerk, and as
18 a precinct chair, total number of years?

19 A. About nine years.

20 Q. Elections in Texas are implemented at the
21 county level; is that correct?

22 A. Correct.

23 Q. Would you go back through a little bit of the
24 training that you provide as the chief election officer
25 for Harris County to the election judges, and then for

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1 their election clerks before elections, such as the one
2 back in November of 2014 -- I mean, 2013, I'm sorry?

3 A. We did extensive training for everyone.
4 No. 1, we let them all know that, you know, photo ID is
5 here, and you have to get special training, so make sure
6 you participate in the training.

7 Every judge and every alternate judge was
8 required to get the election law training, and it
9 specifically dealt with photo ID. Also every polling
10 place was supposed to have trained people that could
11 operate the equipment.

12 And we supplemented photo ID training in
13 that training as well. Every clerk, you know, was
14 provided on election day at their polling locations
15 supplemental information about photo ID, which they had
16 to sign acknowledging that they had read and obtained
17 the material.

18 We had on our Web site photo ID training.
19 We did, with the county attorney's office, a phone call
20 before the elections with our election judges giving
21 them the opportunity to ask any questions about
22 implementation of photo ID, and any laws, any legal
23 issues, questions they had, implementation issues.

24 Like I said, our Web site had the
25 extensive training. We just -- we went as much as

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1 possible to make sure that that our clerks knew how to
2 implement all the laws associated with S.B. 14.

3 Also, we worked hard to get the word out
4 that our voters would know how to deal with photo ID
5 when they showed up at the polls.

6 Q. We have an election coming up in November of
7 2014.

8 A. Correct.

9 Q. Will your office undertake to do the same
10 steps that you did back in 2013 --

11 A. Yes.

12 Q. -- again, for this November 2014 election?

13 A. Correct. We will actually -- we are already
14 talked about doing billboards again, talking to our
15 billboard -- Clear Channel again.

16 We were already going to plan on doing
17 the letters again to anybody who we couldn't do a hard
18 match to, we will send a letter saying -- letting them
19 know they must have photo ID. Not that they don't
20 already have an ID, but we can't do a hard match on
21 those people.

22 Q. Do y'all ever try and estimate all the hours
23 that are extended on the training and education that are
24 put forth in preparing for an election like 2014, that's
25 coming up or the one that was performed back in November

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1 of 2013?

2 A. Well, it's a big deal, I mean, the amount of
3 hours it takes. I mean, I have -- we have -- running
4 elections, I think I have about 35 full-time employees,
5 but then I have 500 temporary employees.

6 And then, of course, on election day, we
7 might have 5,000 or more people who actually work at the
8 polls, or assist in the elections somewhere or another
9 in Harris County. So we have a big budget.

10 Q. And every one of those individuals is expected
11 to be trained, properly trained and educated on what the
12 current law is at the time of the election; is that
13 correct?

14 A. To the best of our ability. We're not
15 perfect. We try to get as close as we can.

16 Q. Now, part of that -- I mean, part of the
17 election doesn't just start on whenever election day is
18 in November; right?

19 A. No way.

20 Q. In fact, y'all will begin mailing ballots out
21 for the 2014 November election on September 5th of 2014;
22 correct?

23 A. That sounds about right, 45 days before the
24 election, yes.

25 Q. And that will include -- starting that day

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1 will start a number of different deadlines and for
2 requesting of ballots.

3 A. Oh, yeah.

4 Q. Some of which will include the requirement of
5 photo ID with those ballots for the people that are
6 casting those ballots; correct?

7 A. People casting personally. Ballot by mail
8 does not require a photo ID, yes.

9 Q. Well, it's my understanding that there are
10 some ballots that will require photo ID, that are
11 mail-in.

12 A. Well, that was there beforehand, you had to
13 provide proof of ID for the first-time voter, yes, yes.

14 Q. Okay.

15 A. They had to make a xeroxed copy.

16 Q. For instance, a military or overseas ballot
17 that's a first-time voter, those folks will need to send
18 in a copy of their ID with their ballot; correct?

19 A. Yes.

20 Q. And those ballots will go out September 20th
21 to the military and overseas ballots; is that correct,
22 does that sound about right?

23 A. It's 45 days before.

24 Q. Got it. The information you've received --
25 earlier you testified that you take direction from the

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1 secretary of state for the implementation of Senate
2 Bill 14.

3 A. Correct.

4 Q. Did you find that that information was
5 correct, that you were provided from the secretary of
6 state?

7 A. Yeah, they do a good job.

8 Q. On the no-match list that you developed, I
9 think you said it was approximately 90,000 people that
10 you came up with early on that were soft matches or no
11 matches.

12 A. Remember, it's more than that because we take
13 out the people who, you know, voter registration cards
14 have been returned.

15 Q. Yes.

16 A. So we didn't mail to those people because they
17 don't live there. It's just going to get returned, so,
18 yes.

19 Q. And how do you know when a person's
20 registration is mailed back to you? They are placed in
21 a suspense file; correct, or y'all are supposed to?

22 A. Yeah.

23 Q. If you receive a voter registration back, it
24 is supposed to be placed -- the voter is supposed to
25 place into suspense; correct?

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1 put in that status.

2 Okay. They are going to still be in that
3 status until the next time the voter registrar sends
4 them a card, then it will probably get returned. And
5 then that's when they will be put on the suspense.

6 Q. Was that list of approximately 91,000 voters
7 that were sent those letter, was that part of the
8 materials that were turned over?

9 A. Yes. You got copies of letters, and it was
10 updated again for the primaries.

11 Q. Okay.

12 A. Just basically, the dates that were changed.

13 Q. Did the number stay about the same, 91,000?

14 A. No, we didn't re-mail again. We only mailed
15 them once. We only mailed the new people that had
16 gotten registered since then that no longer matched.
17 If they had gotten a letter the first
18 time, we didn't send another letter the second time. We
19 didn't think it was prudent to use the taxpayers' money
20 the second time.

21 Q. Now, you mentioned that the State of Texas or
22 the secretary of state's office offered to help on this
23 process that y'all undertook regarding the no matches or
24 the soft matches.

25 A. I don't know how much --

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1 Q. It's a job you took on your own?

2 A. We pretty much took it on our own, but we let
3 them know what we were doing.

4 Q. But the state did reach out to you originally?

5 MR. DUNN: Objection; form.

6 Q. (By Mr. Scott) Is that correct? Maybe not.

7 A. I don't know. I forget how much. There was
8 probably some discussion about how we could do things,
9 and I think we came up with this in -- our idea.

10 But it's not like they didn't reach out
11 to us, but at the same time, I don't remember
12 specifically on this issue.

13 Q. How long were you a software engineer?

14 A. A long time.

15 Q. How many years?

16 A. I don't know. 25 years. I mean, I'm 58. I
17 came out of college, you know, at 22, working as a
18 hardware software engineer. I mean --

19 Q. So coming up with a software program that
20 would identify no matches, soft matches is something
21 you -- is just another software engineering problem that
22 was there to be solved by you?

23 A. Yes. Yeah. It's a problem to solve that
24 engineers do, yes.

25 Q. I think Mr. Dunn was asking you about this

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1 people vote provisionally, and I don't know if it was in
2 this election, where they were letting people vote, when
3 they were not registered to vote.

4 In other words, not where their polling
5 place was for that election day. We had a judge let
6 people vote from other precincts, like it was their
7 early voting. I do know we had that, so we had a lot of
8 provisionals go on.

9 Q. So let me make sure I understand that. So
10 there was a -- one of the elections, one of the four
11 elections --

12 A. I don't know if it was one of those four, I
13 don't recall which election it was. Maybe I'm adding
14 confusion by bringing this up.

15 Q. No, no, I want to make sure I understand for
16 this issue.

17 A. Yeah.

18 Q. There was an election, which one we don't
19 know.

20 A. Right.

21 Q. But during that election, there were a high
22 number of provisional ballots that were cast, or allowed
23 to be cast --

24 A. Yes.

25 Q. -- in one of -- one of the polling places --

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1 A. Yes.

2 Q. -- as a result of the decision by the election
3 judge.

4 A. Yes, not following the law.

5 Q. That they would allow provisional ballots to
6 be cast at that precinct, or that polling place, even
7 though it was the wrong polling place for the voter to
8 cast their vote?

9 A. Correct.

10 Q. Is that a correct summary?

11 A. Yes, but that's not a photo ID issue.

12 Q. But from a practical standpoint, that is an
13 issue with regard to the number of provisional ballots.

14 A. Yes.

15 Q. And would also be a reason that you would have
16 to really dig down deep and understand what's going on
17 with any of the provisional ballots to say, "This is an
18 issue with provisional ballots"; correct?

19 A. Exactly. Every one of them has its own issue.
20 Every provisional ballot you've got to go and look at
21 what really is going on here to understand what the
22 issue is.

23 Q. In the November 2013 election -- just one more
24 follow-up on that, if I could. With regard to the
25 two-thirds of the individuals who had photo ID but

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1 appeared at the polling place without photo ID and were
2 allowed to cast provisional ballots.

3 A. That's how many, in hindsight, that we looked
4 at we matched against the voter -- I mean, the DPS ID,
5 database to say that they did have IDs, yes.

6 Q. Did you do any further follow-up on any of
7 those folks that y'all identified?

8 A. Other than the fact that everyone whose ballot
9 was not counted because of ID issues, they got a letter.
10 As a result of that, no, there was no follow-up on that.
11 At least I don't know of any.

12 Q. With regard to documents that your office
13 produced in response to the subpoena that the Department
14 of Justice, I guess, served upon y'all --

15 A. Yes.

16 Q. I don't know if they courtesy copied anyone
17 else with that. And so do you have the ability to
18 recreate or get a copy of all those documents that were
19 produced to the Department of Justice?

20 A. I believe so, yes.

21 Q. Okay.

22 A. It's a very similar list. It's like the same
23 list was shared between the two parties.

24 Q. Okay.

25 A. So it's very similar, if I remember right.

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1 identification or photo impersonation fraud, but photo
2 fraud in general, do you believe it's helped to tamp
3 that down?

4 A. I think the one thing I've seen back from the
5 voters is higher confidence in the election process
6 because we do have photo IDs.

7 Yeah. Whether -- how much it does tamp
8 down fraud, which I would suspect it does to some
9 degree, I don't think that's the big issue. I think
10 it's the confidence that it gives to the voters as a
11 whole body in the whole process is more secure because
12 of accepting photo ID.

13 Q. Have you seen voter participation in Harris
14 County increase, decrease, or stay about the same as a
15 percentage of prior elections before voter ID?

16 A. Actually, last November it increased it.
17 Well, you don't know if it increased it, but there was a
18 significant increase last November over the previous
19 two-year cycles in Harris County.

20 Q. Percentage-wise, how big of an increase?

21 A. I wish I had the number in front of me, I'd
22 tell you.

23 Q. Okay.

24 A. But it was significant. And in the primaries,
25 other than the last primary, the turnout was much higher

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1 for the Republican party anyway, going back. Other than
2 the previous one, like I said, when Ted Cruz was in it.
3 We were probably, oh, 50, 60 percent higher than the
4 previous two cycles before that.

5 Q. And the Republican primary had 25, I think,
6 provisional ballots cast; is that correct?

7 A. Yes.

8 Q. As a result of no photo ID?

9 A. Yes, they had two-and-a-half times the number
10 of provisional ballots because of ID issues that the
11 Democratic party did.

12 Q. Would they probably have had about
13 two-and-a-half times the turnout?

14 A. Yes, it was very similar. It hits both
15 parties, apparently.

16 Q. You've got a lot of different polling places
17 with a lot of different judges, and so I'm assuming, but
18 I want your answer, that there are more efficient judges
19 who operate the polling places.

20 A. Yes. There are some better than others, yes.

21 Q. And with regard to the delays that someone
22 might -- a voter might encounter at a polling place.

23 A. Yes.

24 Q. Absent having a camera in there, is there any
25 way to know what the cause of those delays are?

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1 A. Some election judges will tell us what it is.
2 I mean, or an alternate judge will tell us, but I don't
3 see where the photo ID actually added any delay.

4 In fact, we have -- we find that in early
5 voting where we've been doing the electronic poll books,
6 the majority of the people were already using driver's
7 license as a check-in process.

8 And we find it's a faster check-in
9 process as a result of just swiping their ID than it is
10 to actually sit there and either manually look it up, or
11 the old days of paper, you would have the whole county
12 there, you would take forever to go find the book that
13 has the two millionth name in it or something.

14 Q. Now, earlier, you testified that the birth
15 certificate is issued by the vital statistics portion of
16 your office.

17 A. Yeah. Personal records I think is what it's
18 actually called.

19 Q. Okay. So someone can come to the downtown
20 location, or I think you said you had nine satellite
21 areas.

22 A. Yes, yes.

23 Q. And in all those locations, an individual who
24 wanted a birth certificate for purposes of obtaining an
25 election ID card --

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1 A. Yes.

2 Q. -- would have to fill out a specific form for
3 that type of birth certificate, is my understanding; is
4 that correct?

5 A. You know, I don't really know, but it makes
6 sense it probably is still.

7 Q. Okay. Do y'all have a triage person at
8 y'all's locations that when someone comes in, they
9 direct them on where they need to go, or do they just
10 get in line in the que, and when they get up there, they
11 ask?

12 A. Well, the downtown location is fairly large,
13 okay? But the branches, a lot of the branches only have
14 two or three clerks in them, so they do basically
15 everything.

16 Q. Do you track time when someone walks into the
17 office, for instance, in any of the satellite offices,
18 before they receive service?

19 A. No, I don't think so. Whether it's a busy
20 location or not a busy location, they know how to deal
21 with it out there.

22 Q. And if you hear of a complaint about waits,
23 you, as the head election official, or the head of the
24 -- Harris County clerk, you will implement steps to fix
25 that; correct?

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1 A. Oh, yes, most definitely, yes.

2 Q. Customer service?

3 A. Customer service. Yeah, hey, I'm on the
4 ballot, I want these people happy.

5 MR. SCOTT: Okay. I thank you for your
6 you courtesy. Pass the witness.

7 THE WITNESS: You're welcome.

8 FURTHER EXAMINATION

9 BY MR. DUNN:

10 Q. Mr. Scott asked you about the effect of
11 S.B. 14, and you stated the opinion it had the effect of
12 buoying voter confidence, or something to that effect;
13 is that right?

14 A. Yes.

15 Q. So is it the case then, in your experience, in
16 election judges, that you've noticed that voter
17 confidence has been on the decline?

18 A. I don't know if I could say "yes" or "no" to
19 that question. It's not something I looked at. I've
20 just gotten feedback from multiple people that, "I have
21 more confidence in the system as a result of having
22 photo ID."

23 Q. Did you have -- when you would hear that back
24 from people, would you have conversation with them about
25 how it is that their confidence got questioned to begin

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1 with?

2 A. No, I didn't have that discussion.

3 Q. Okay. You're aware that the attorney
4 general's office went around for several years, in both
5 public events and private investigations, spending a
6 great deal of tax dollars looking for voter fraud? Are
7 you familiar with this investigation?

8 MR. SCOTT: Objection; form.

9 A. No, not really, no.

10 Q. (By Mr. Dunn) You have no idea that the
11 attorney general himself, for example, was doing media
12 events talking about rampant voter fraud that he was
13 doing that he was investigating or attempting to
14 discover?

15 MR. SCOTT: Objection; form.

16 A. No.

17 MR. DUNN: Nothing further. Thank you,
18 sir.

19 MR. RAY: Mr. Shapiro, have you got
20 anything?

21 MR. SHAPIRO: Nothing further. Thank
22 you.

23 MR. RAY: Okay. I guess we're done.
24
25

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6/23/2014

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IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

MARC VEASEY, et al.,)	
Plaintiffs,)	
)	
v.)	Civil Action
)	No. 2:13-cv-193(NGR)
RICK PERRY, et al.,)	
Defendants.)	
)	
)	
UNITED STATES OF AMERICA,)	
Plaintiff,)	
)	
TEXAS LEAGUE OF YOUNG)	
VOTERS EDUCATION FUND,)	
et al.,)	
Plaintiff-)	
Intervenors,)	
)	Civil Action
)	No. 2:13-cv-263(NGR)
TEXAS ASSOCIATION OF)	
HISPANIC COUNTY JUDGES AND)	
COUNTY COMMISSIONERS,)	
et al.,)	
Plaintiff-)	
Intervenors,)	
)	
v.)	
)	
STATE OF TEXAS, et al.,)	
Defendants.)	
)	

ORAL DEPOSITION OF
JOE STRAUS
JUNE 23, 2014

HIGHLY CONFIDENTIAL

ORAL DEPOSITION OF JOE STRAUS, produced as a
witness at the instance of the Plaintiff United States

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1 judiciary and civil -- or what was it called then?
2 Civil juris prudence -- judiciary and civil juris
3 prudence, I think.

4 And then later I served on pensions and
5 investments and a committee we no longer have called
6 regulated industries. Maybe I've got the order mixed
7 up, but I remember those comments.

8 Q. Was there a particular area of policy that you
9 developed an expertise in or spent a great deal of time
10 on?

11 A. Some from the regulated industries committee
12 having to do with -- with energy efficiency and some --
13 eliminating obsolete tax.

14 Q. So it sounds like --

15 A. Telecommunications.

16 Q. And I'm not trying to undermine your experience
17 at all, but it doesn't sound like election-related
18 issues with something that you really spent a lot of
19 time on.

20 A. No.

21 Q. Is that true?

22 A. That's right.

23 Q. Okay. Now, you ran in the special course in
24 2005 and then in each even-numbered-year election since,
25 I'd assume?

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1 A. Yes.

2 Q. In any of your campaigns have you encountered
3 experience of voter fraud?

4 A. Not that I'm aware of, no.

5 Q. Other than the open campaign that you had in
6 2005, have you had other reelections that you would
7 consider were tightly contested?

8 A. Tightly?

9 Q. Yes, sir.

10 A. Strenuously.

11 Q. Okay. What years were those?

12 A. The last two primaries.

13 Q. That's in 2012 and '14?

14 A. That's correct.

15 Q. Do you have a regular set of campaign
16 consultants, campaign managers or somebody that advises
17 you in that regard?

18 A. I've had different campaign managers each
19 cycle.

20 Q. Okay. So it's not the case that you have sort
21 of a standard team that you've relied upon?

22 A. For campaign -- you know, not on the ground in
23 the district campaign, no.

24 Q. So returning to your legislative work, have you
25 publicly called for a tightening of any requirements as

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1 it comes to elections?

2 A. I don't recall.

3 Q. Okay. And I understand, you know, everybody
4 gives a lot of --

5 A. Yeah, not in a great -- not in a great deal of
6 specificity, no.

7 Q. That wasn't sort of a pet issue of yours is
8 really what I'm getting at.

9 A. That's correct.

10 Q. Okay. When is it that you first, if you ever
11 did, really get into a proposal in the legislature as it
12 pertains to photo identification for voting?

13 A. Did I get into it?

14 Q. Yeah, study the issue, read a bill, look at it.

15 MR. D'ANDREA: The witness is going to
16 assert legislative privilege, but we -- I'm going to
17 allow him to answer under seal with the understanding
18 that we'll preserve the privilege.

19 MR. SCOTT: And Chad --

20 Mr. Speaker, before you answer --

21 Chad, this brings up an issue that came up
22 in the last deposition, how we handled the housekeeping
23 of the actual deposition.

24 What we agreed to in the last deposition
25 was to go ahead and put -- keep -- treat the whole

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1 Q. (BY MR. DUNN) All right. So according to my
2 investigation, there have been identification
3 requirements for voting, you know, for some time,
4 decades, of course, you might imagine. And I don't want
5 to try to sit here and quiz you and waste your time
6 today, but do you have some general description of what
7 the identification requirements were before Senate Bill
8 14?

9 A. I don't recall specifically what they were.

10 Q. And that's fair. When you don't know
11 something, then, you know, obviously, just let us know
12 that.

13 Do you understand what IDs are permitted
14 under Senate Bill 14?

15 A. Oh, gosh. I don't recall anymore. It's been a
16 while since I've paid any attention to it. I know that
17 I take my driver's license with me and my voter
18 registration card.

19 Q. Okay. I think this is fairly clear for the
20 record, but I just want to put a fine point on it.

21 Prior to your election of speaker, did you carry any
22 bills that adjusted the photo -- or the identification
23 requirements for voting?

24 A. No, I did not.

25 Q. Can you recall if you sponsored or cosponsored

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1 any?

2 A. I don't recall. I know that various bills came
3 up in sessions before I served as speaker, and I'm sure
4 I voted on them, but I don't remember whether I signed
5 onto them or not. I could have.

6 Q. None of them particularly come to mind?

7 A. No.

8 Q. So in 2011, the legislature passed Senate Bill
9 14, which I'm sure you gathered from the title, started
10 over in the Senate. First I want to understand if you
11 recall what committee that was assigned to in the House.

12 A. I believe we had a select committee for
13 voter -- voting -- voter identification and voter
14 security related bills.

15 Q. And what is your authority as speaker of the
16 House as it pertains to committees?

17 A. Well, I -- the speaker makes appointments to
18 committees and appoints chairmen. Some of the
19 committee -- some of the committee slots are filled,
20 roughly half of them, I think, by seniority. And then
21 others are at the discretion of the speaker.

22 Q. What about the existence of the committee at
23 all, I mean, whether it's necessary --

24 A. The House makes that decision, but the speaker
25 has recommendations he makes.

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1 begins before the legislature convenes?

2 A. There are members who get together and discuss
3 proposed rules changes and talk about how rules are
4 working, yes.

5 Q. And then once the session is underway, a draft
6 set of rules, I assume, comes out for members to review?

7 A. I assume so. I don't recall.

8 Q. So do you recall where it is the idea
9 originated to -- in 2011 to have a select committee as
10 it pertains to voter identification requirements?

11 MR. D'ANDREA: I'm going to assert
12 privilege and allow the witness to answer under seal.

13 A. I don't remember how it came up. I knew --
14 everyone knew that voter security and voter
15 identification legislation was likely to be a very hot
16 topic for the legislature to consider just in -- just
17 based on discussion leading up to the session. I don't
18 recall specifically how the decision was made to create
19 a committee for voter security and voter ID bills.

20 Q. (BY MR. DUNN) Was this an idea of yours to
21 create this committee?

22 A. I don't -- I don't recall.

23 Q. Was it -- was the idea to appoint this
24 committee something that was coming from members?

25 A. Again, I really don't remember.

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1 You may answer under seal.

2 A. No, I don't.

3 Q. (BY MR. DUNN) If this committee had not been
4 created in 2011, then what committees in the House would
5 normally have seen legislation relating to voter
6 identification?

7 A. I assume the -- the elections committee
8 could -- some could, I suppose, go to state affairs
9 committee. I'm not sure of others.

10 Q. And so just before I move on, to make sure I've
11 got all this, is there anything else that you remember
12 about the creation of the special committee in 2011 that
13 handled Senate Bill 14 that we haven't talked about?

14 A. No.

15 Q. Was the special committee in 2011 that handled
16 Senate Bill 14 created because similar pieces of
17 legislation and past legislative cycles had been held up
18 in either the elections or state affairs committee?

19 MR. D'ANDREA: Legislative privilege.

20 You may answer under seal.

21 A. I don't recall that -- I don't recall the
22 process of -- or the timelines of certain bills in the
23 past, so I can't say that that's the reason.

24 Q. (BY MR. DUNN) So as you sit here today, is it
25 then the case that you can't tell us why there was a

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1 special committee in 2011 for identification --

2 A. Other than from time to time we -- we create
3 select committees, these types of special committees,
4 just to -- just to move a particular issue off to the
5 side so that the normal operating committee -- like the
6 elections committee in this case, probably -- would --
7 would go about dealing with the other type of issues
8 that they -- other bills that they have without being
9 distracted by something that everyone knew would be a
10 high-profile, much-debated issue.

11 Q. Do you recall whether senior members of the
12 elections committee had, prior to 2011, either opposed
13 or otherwise wanted to loosen some of the requirements
14 and proposed photo identification bills?

15 A. I can't remember who -- who served on the
16 previous committees.

17 Q. Now, again, I'm sure something that is
18 elementary to you, but could you just kind of walk us
19 through, walk the court through, when a bill comes from
20 the Senate over to the House, how it's processed by the
21 House?

22 Again, sort of tracking when there's a
23 special-committee-type situation. So what happens as
24 far as when the bill comes over from the Senate? Comes
25 to you, I assume.

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1 A. Well, it comes to the House. And it's -- it's
2 referred. It goes through the referral process that all
3 bills go through.

4 Q. And what is the referral process?

5 A. It would be referred to a committee.

6 Q. And who makes that decision?

7 A. You know, typically it's the -- the
8 parliamentarian's office.

9 Q. Do you have input or influence in that process?

10 A. From time to time, I might be consulted about
11 certain referrals, but I try not to be too engaged in
12 that.

13 Q. Are there times when you've gone to the
14 parliamentarian and said, "I want this bill to go to
15 that committee"?

16 A. I think all members talk to the parliamentarian
17 about that.

18 Q. Okay. I would think that the parliamentarian
19 might be a little more responsive to the speaker than
20 other members. Is that the case?

21 A. You don't know our parliamentarian.

22 Q. Okay. Well, in 2011, who was the
23 parliamentarian?

24 A. Chris Griesel in '11.

25 Q. Is that the parliamentarian today?

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1 A. I would think that's correct.

2 Q. All right. Once in committee, what happens?

3 A. Then the committee chairman decides -- decides
4 whether or not to take up the matter.

5 Q. Can you recall who the committee chairman was
6 on Senate Bill 14 in 2011?

7 A. I believe it was Representative Bonnen.

8 Q. Did you have any discussions with
9 Representative Bonnen about the progress or dealings
10 with Senate Bill 14?

11 A. Oh --

12 MR. D'ANDREA: Legislative privilege.
13 You may answer under seal.

14 A. I imagine I did. I talk to all the committee
15 chairmen. But I don't recall specifically. I'm sure I
16 did.

17 Q. (BY MR. DUNN) There's no discussion that you
18 recall with Representative Bonnen as it relates to
19 Senate Bill 14 in 2011. Is that right?

20 A. The question again?

21 Q. I just want to confirm that there's no
22 discussion that you ever had in 2011 with Representative
23 Bonnen pertaining to Senate Bill 14 that you can relate
24 to us.

25 A. Not in any kind of detail. I'm sure I did talk

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1 to him. But I don't recall a specific conversation with
2 him on the bill, but I'm sure we did talk.

3 Q. And -- and I can tell you're confused by some
4 of these questions, so let me see if I can -- a lot of
5 times -- all I'm really trying to do is find out what
6 you might testify to in trial in this case. This is our
7 only chance to visit with you before the case is tried.
8 So --

9 A. Yeah.

10 Q. -- if you're going to show up and say, "I met
11 with Representative Bonnen on this day and we talked
12 about the bill," that's all I want to find out.

13 A. No, I can't -- I can't recall a specific
14 conversation.

15 Q. Did you propose to Representative Bonnen, or
16 anyone else, a timeline on which the committee ought to
17 deal with the bill or report it out of committee, if at
18 all?

19 MR. D'ANDREA: Legislative privilege.
20 You may answer under seal.

21 A. Not to my recollection.

22 Q. (BY MR. DUNN) Is it fair to describe your
23 involvement with Senate Bill 14 as hands off?

24 A. Generally. I mean, I think that would be
25 fairly close to accurate.

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1 Q. Did you direct the committee in terms of the
2 type of opportunities they would provide for public
3 input?

4 A. Did I -- did I do what?

5 Q. Direct the special committee in terms of how
6 many opportunities for public input.

7 A. No, I didn't.

8 Q. Was it fair to say that that was left to
9 Representative Bonnen?

10 A. Yes.

11 Q. Well, obviously the legislative record shows
12 that Senate Bill 14 was reported favorably by the
13 committee. Again, what happens to the bill after that?

14 A. I suppose it went to the calendars committee.

15 Q. And do you recall who the chair of the
16 calendars committee was in 2011?

17 A. I'm trying to remember. Don't tell him I can't
18 remember. I think it was -- I think it was -- I think
19 it was Todd Hunter.

20 Q. That's a pretty plum position, is it not?

21 A. Yeah. I'm just trying to get the sessions
22 straight.

23 Q. No, I understand.

24 A. I know it was Brian McCall in 2009. In '11 --
25 I think Hunter's been chairman two sessions.

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1 to slow a bill down if they'd like, but I'm not sure how
2 it works specifically or -- I'm not -- I don't know.

3 Q. Have you ever contacted, whether it's the chair
4 or a member of the calendars committee, and asked them
5 to hold up a bill?

6 MR. D'ANDREA: Legislative privilege.

7 You may answer under seal.

8 A. If I have, it's been very rare.

9 Q. (BY MR. DUNN) And have you ever done so on an
10 election-related measure?

11 A. Not that I recall.

12 Q. Had you -- well, strike that.

13 Can you recall what part -- you know, at
14 the beginning, middle or towards the end of the 2011
15 session that Senate Bill 14 was considered by the floor?

16 A. I don't recall.

17 Q. And can you recall whether you played any role
18 as to the timing of the floor debate?

19 A. I don't. I don't believe I did.

20 Q. And when the bill passed the House, did you
21 vote on it?

22 A. I've rarely voted as speaker, and I don't -- I
23 don't recall. I don't think so.

24 Q. What are the rules or the tradition of the
25 House as it pertains to the speaker voting on a measure?

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1 A. You know, I don't know before -- before my
2 tenure. But since I've been there, I very rarely have
3 voted other than on -- very rare occasions.
4 Typically -- typically I've voted with members who had
5 to make tough calls on budget issues, maybe a couple of
6 other things, but I can't remember what they are at the
7 moment.

8 Q. But you don't recall voting on Senate Bill 14?

9 A. I don't remember voting on it. I don't think I
10 did.

11 Q. Was there a conference committee on Senate Bill
12 14?

13 A. I don't remember.

14 Q. Okay. So let me just see if I can recap.

15 A. I would imagine there was, but I don't recall.

16 Q. You don't recall what the rationale was behind
17 having a special committee on voter identification. Is
18 that right?

19 A. Other than just knowing that it was going to be
20 a, you know, high-profile issue that a number of members
21 had worked on previously. It's not an unusual thing to
22 have select committees for certain types of -- of
23 issues.

24 Q. You don't recall any particular strategy to the
25 timing of the debate of Senate Bill 14 in the House?

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1 A. I don't.

2 Q. You don't recall having any conversations with
3 members of the elections committee or calendars
4 committee as it pertains to the bill. Is that right?

5 A. Not specifically, no. I'm sure I did, but I
6 don't recall specifically.

7 Q. You don't remember making any speeches on the
8 floor as it pertains to the bill?

9 A. Me?

10 Q. Yes.

11 A. Oh, no.

12 Q. Do you recall having any communications with
13 the governor's office as it pertains to Senate Bill 14?

14 A. I do not.

15 Q. Do you recall having any communications with
16 the Lieutenant Governor or the Lieutenant Governor's
17 office as it pertains to the Senate bill?

18 MR. D'ANDREA: Legislative privilege.

19 You may answer under seal.

20 A. I don't recall specifically. I'm sure, as a
21 high-profile issue, it must have come up in our routine
22 meetings, but I don't recall a specific conversation.

23 Q. (BY MR. DUNN) Do you recall any communications
24 with the attorney general or the attorney general's
25 office?

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1 A. I don't.

2 Q. Did you attend any of the select committee --
3 the House select committee meetings as it pertained to
4 Senate Bill 14?

5 A. I don't think so.

6 Q. Did you, in 2011, have staff that you assigned
7 to each of the committees?

8 A. Oh, yes. A staff's assigned to all the
9 committees.

10 Q. And do you -- did each staff member have
11 certain committee assignments?

12 A. Yes.

13 Q. Do you remember who was assigned the select
14 committee on photo identification, voter fraud?

15 A. I'm assuming it was Meredith Fowler, who has
16 been on my staff since I began as speaker. There may
17 have been more than her too, but I would assume that she
18 would have been watching most closely.

19 Q. Is Ms. Fowler an attorney?

20 A. Yes.

21 Q. Does she have election-related experience
22 outside of working for your staff?

23 A. I don't know.

24 Q. Did you have any communication with the
25 Secretary of State's office as it pertains to Senate

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1 Bill 14?

2 A. I don't believe I did personally.

3 Q. Do you -- do you recall having any

4 communications with individual county election officers
5 as it pertains to Senate Bill 14?

6 A. Don't believe so. Somebody may have contacted
7 me, but I don't remember.

8 Q. You may not be able to answer this, and if you
9 can't, that's fine. But would you have supported Senate
10 Bill 14 by a vote if it had been appropriate, if you had
11 been a House member?

12 MR. D'ANDREA: Legislate privilege.

13 You may answer under seal.

14 A. I voted -- I'm sure these types of bills came
15 up before I was speaker in '05 and '07, and I voted for
16 voter -- voter-ID-related legislation. This one
17 specifically, I'm sure I would have voted for it.

18 Q. (BY MR. DUNN) And when you have supported
19 measures on voter identification requirements, what was
20 your rationale for doing so?

21 MR. D'ANDREA: Legislative privilege.

22 You may answer under seal.

23 A. Just generally the -- support the policy of
24 voter -- voter security, valid integrity and -- you
25 know, generally I don't . . . you know, I just have -- I

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1 had a record of supporting voter ballot security and
2 voter ID legislation.

3 Q. (BY MR. DUNN) There were a number of bills
4 proposed both in 2011 and prior sessions on voter
5 identification requirements. And some of them could be
6 described as more stringent and some of them could be
7 described as more stringent than the current law but not
8 as stringent as other proposals. Did you have a line
9 that you drew in terms of supporting such measures?

10 A. No.

11 Q. Was it your view that there was no
12 identification requirement too stringent?

13 MR. D'ANDREA: Legislative privilege.
14 You may answer under seal.

15 A. Ask the question again.

16 Q. (BY MR. DUNN) I'm just trying to determine if
17 there was a line where you said, "Okay, now the
18 identification requirements are too tight, too difficult
19 that I can't support any longer," or was it just any
20 additional requirements?

21 A. No, as the -- as the presiding officer, I
22 really didn't draw any lines in the sand or take a
23 position on whether a bill was too strong or not strong
24 enough or any of that. I leave the details of the
25 debate and the amending of legislation up to the

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1 members.

2 Q. So from your standpoint in 2011, if the House
3 had chosen to pass a photo identification measure,
4 that's fine; if the House had chosen not to pass one,
5 that would have been fine with you?

6 A. House passes things that don't please me
7 100 percent routinely. And they fail to pass things
8 that I would love to see happen routinely. So, no, I'm
9 not really micromanaging bills and legislation to my
10 desires.

11 Q. What if a measure -- you know, outside of the
12 election-related requirement, what if a measure, in your
13 view, was going to violate federal law? Would you still
14 permit the House to pass it?

15 A. I would hope that we would have a long
16 discussion about what we were getting into. And we try
17 very hard not to do that.

18 Q. And you have some persuasive ability as a
19 speaker, I would assume, to change --

20 A. I hope so.

21 Q. All right.

22 A. Probably because I don't overuse it.

23 Q. So have you had an occasion where you thought a
24 measure on any subject might cross purposes with federal
25 law?

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1 MR. D'ANDREA: Legislate privilege.

2 You may answer under seal.

3 A. I remember the -- one instance of the -- there
4 was this whole thing with the TSA and invasive pat downs
5 in security -- of security officials at airports that I
6 did try to persuade the House to be very careful about.

7 Q. (BY MR. DUNN) As it relates to Senate Bill 14,
8 do you remember receiving or making any analysis of its
9 compliance with federal law?

10 A. I don't.

11 Q. Do you recall at any time considering a
12 comparison of other states' ID requirements with Texas?

13 A. I believe that was done, but I don't recall
14 specifically or that I was involved in it.

15 Q. Did you request any information, whether from
16 the Secretary of State or some other source, about the
17 folks who might be impacted by Senate Bill 14?

18 A. I did not.

19 Q. Is that the sort of thing that you would have
20 expected members to do?

21 A. Yes. If that were to be -- if that were
22 appropriate to be done, I would imagine the members
23 working on a particular bill for or against would be
24 requesting that.

25 Q. You understand that one of the allegations in

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1 number of people that have been prevented from voting or
2 who were forced to cast a provisional ballot as a result
3 of Senate Bill 14?

4 A. I believe there's been news coverage of it, but
5 I don't recall specifically beyond just not being
6 alarmed at a large number of those cases.

7 Q. Outside of the news coverage, you've had no
8 official reporting of this information?

9 A. Not that I'm aware of.

10 Q. So returning back, though, to the legislative
11 process, you, as speaker, and other members, I would
12 assume, have the authority to go to state agencies and
13 ask for reports and information on considered measures.
14 Is that right?

15 A. Yes.

16 Q. Do you know whether it had ever been requested,
17 on Senate Bill 14, the number of people in the state who
18 lack one of the acceptable forms of ID under Senate Bill
19 14?

20 A. I don't know.

21 Q. And then I assume similarly you wouldn't know,
22 then, whether information had been requested from a
23 government source as to the racial makeup of people who
24 didn't possess one of the IDs acceptable under Senate
25 Bill 14?

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1 A. I don't know. Again, I think that might have
2 been covered in some news stories, but I'm not aware of
3 any government reporting or agency reporting.

4 Q. Is that the type of information, though, as
5 speaker of the House, you would have hoped and expected
6 somebody to obtain and review?

7 A. Yes.

8 Q. From your standpoint as speaker, had such
9 information been obtained and had it shown a disparate
10 impact on minority citizens, would that have changed
11 your support for the bill?

12 MR. D'ANDREA: Legislative privilege.
13 You may answer under seal.

14 A. Ask the question again.

15 Q. (BY MR. DUNN) Sure. You know, from your
16 standpoint as speaker, had you received such data and
17 had such data shown Senate Bill 14 would have a
18 disparate impact on minority citizens, would that have
19 changed your support for the bill?

20 A. Before we passed it in 2011?

21 Q. Yes, sir.

22 A. I would think that the members would have had a
23 discussion about that, yes.

24 Q. You don't recall being a part of any such
25 discussion?

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1 A. I don't.

2 Q. And we've had some discussion about what data
3 you've received since Senate Bill 14's implementation.
4 I just want to make sure I have it clear.

5 A. Okay.

6 Q. You've had no official briefing or debriefing
7 from any government sources to the effect of Senate Bill
8 14; the only information you have is from reading
9 newspapers. Is that right?

10 A. As I recall, yes. I mean, my staff may have,
11 from time to time, mentioned something to me, but no --
12 not any -- no formal meetings or any kind of alarming-
13 type briefing, no.

14 Q. I'm not asking what was discussed at this
15 point, before Mr. Scott gets too excited. I just want
16 to know, have you had any briefing with the attorney
17 general's office as it pertains to this lawsuit?

18 A. Only yesterday, just letting me -- just going
19 over --

20 MR. D'ANDREA: I'd instruct you not to
21 answer to the extent you divulge attorney/client
22 privilege, but you may talk about the existence of --

23 A. Yeah, I visited with him about what to expect
24 this morning.

25 Q. (BY MR. DUNN) All right. And really all I'm

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1 trying to determine is if -- prior to whatever
2 discussions you've had to prepare for this deposition,
3 if you'd had any briefings from the attorney general's
4 office from the date of passage of Senate Bill 14 until
5 the present about its legality implementation, et
6 cetera.

7 A. No.

8 Q. Have you requested any such communications?

9 A. Don't believe so, no.

10 Q. The -- the State, I'm sure, is involved in an
11 amount of litigation at any given time on any given
12 subjects. We know about redistricting, for example.

13 Do you, as speaker of the House, receive
14 legal briefings about pending litigation involving the
15 State?

16 A. I would think very rarely.

17 Q. I mean, is there --

18 A. I'm not a lawyer, and so my staff probably
19 knows I'm not, you know, into -- I wouldn't be
20 particularly interested in following every -- every
21 moment of every legal case.

22 Q. All right.

23 A. Only as certain legal cases impact the work of
24 the legislature or an upcoming session of legislature.

25 Q. Now, before a measure is considered by the

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1 House, it will be reviewed and a bill analysis will be
2 prepared. Is that right?

3 A. Yes.

4 Q. Was it the agency that would have done that on
5 Senate Bill 14?

6 A. Who would have done it?

7 Q. Well, right. I mean, sometime -- I'm fairly
8 familiar with the process too. I know sometimes when
9 Senate bills come over, the House will just rely on the
10 Senate research's bill analysis; sometimes they prepare
11 their own. And you may not know in this case.

12 A. I don't know who did the analysis.

13 Q. All right. Did you influence at all who would
14 be involved in the preparation of the analysis?

15 A. No.

16 Q. Who would have made that decision?

17 A. I don't know.

18 Q. Did you attend a bill signing for Senate Bill
19 14?

20 A. I don't recall. I don't think so. I might
21 have. I really don't remember.

22 Q. Again, focusing on your past support for voter
23 identification measures, have you -- do you recognize
24 that there are some set of barriers that the government
25 can erect of voting that would be -- whether illegal,

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1 ill-advised?

2 A. Yes.

3 Q. I mean, in other words, if you had to show up
4 at three different locations in a row to secure your
5 vote, at some point, it can be come burdensome?

6 A. Yes.

7 Q. Okay. And I assume as a public officer that's
8 not something you support?

9 A. That's correct.

10 Q. I asked you earlier what -- the various
11 identifications that were permitted under Senate Bill
12 14, and I think you said you didn't recall. And I want
13 to go through some, though, that aren't included. For
14 example, federal employee IDs are not included in Senate
15 Bill 14. Is that something that you see erects an
16 unreasonable burden?

17 A. That a federal ID cannot be used?

18 Q. Yes, sir.

19 A. I haven't really thought about it. I don't
20 know why there wouldn't be.

21 Q. How about a state government-issued ID for
22 employees?

23 A. I don't know why they wouldn't be allowed.

24 Q. And also student IDs issued by state of Texas
25 higher educational institutions?

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1 A. The question is?

2 Q. Whether you think that those IDs ought to be
3 accepted in voting.

4 A. I wouldn't have a problem with that.

5 Q. Do you know why it is Senate Bill 14 doesn't
6 include those IDs?

7 A. I don't know.

8 Q. Do you know whether an analysis had been
9 performed as to the makeup or the availability of
10 various IDs to different racial groups?

11 MR. D'ANDREA: Legislative privilege.

12 You may answer under seal.

13 A. The question again?

14 Q. (BY MR. DUNN) Do you know whether an analysis
15 was performed during the consideration of Senate Bill 14
16 as to the availability of certain ideas -- IDs by
17 various racial groups?

18 A. I don't recall.

19 Q. In the debates over Senate Bill 14 that you
20 witnessed --

21 A. Uh-huh.

22 Q. -- did you hear any comments by members of the
23 legislature that had racial undertones?

24 MR. D'ANDREA: Legislative privilege.

25 You may answer under seal.

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1 A. No, I don't recall.

2 Q. (BY MR. DUNN) One of the issues that will
3 obviously be decided in this case is what the
4 legislative intent behind Senate Bill 14 was. And I
5 understand from your testimony that you didn't vote on
6 it. Are you able to tell us or testify what the
7 legislative intent for Senate Bill 14 was?

8 MR. D'ANDREA: Objection; calls for
9 speculation.

10 A. Just --

11 THE WITNESS: Am I to answer?

12 MR. D'ANDREA: Yes. Oh, I'm sorry, yes.

13 A. I think just general voter ballot security just
14 to be certain that those who were casting votes were
15 doing so legitimately.

16 Q. (BY MR. DUNN) Any other legislative purpose
17 that you're aware of?

18 A. Not that I'm aware of, no.

19 Q. Now, on the ballot security issue, were you
20 aware of incidents of voter-related activity that was
21 illegal or could have been illegal that Senate Bill 14
22 was designed to prevent?

23 A. No, I'm not.

24 Q. And so you've previously testified that ballot
25 security was an issue that you supported. Why was it

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1 that you saw additional measures were required for
2 ballot security, despite having not seen any evidence of
3 such voter fraud that would be prevented by that
4 measure?

5 MR. D'ANDREA: Objection; assumes facts not
6 in evidence.

7 THE WITNESS: What did you say?

8 MR. D'ANDREA: You may answer if you can.

9 THE WITNESS: All right.

10 A. Again, I just had a -- I have a record of
11 voting for measures that -- that called for
12 identification at the polling place, but it wasn't --
13 wasn't in relation to any specific incident that I was
14 aware of.

15 Q. (BY MR. DUNN) Well, you know, I'm sure you've
16 heard of that Texas or southern saying, "If it ain't
17 broke, don't fix it."

18 A. Uh-huh.

19 Q. So what was it about the system that you
20 thought was broken that you were trying to fix when you
21 supported such measures?

22 A. I didn't have a -- I -- I didn't -- my -- my
23 support for it could just as easily be considered that I
24 wouldn't oppose it because I didn't think opposing it
25 was appropriate. I saw no problem with presenting a

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1 photo ID to vote just as you do to cash a check or --
2 you know, at the airport or the bank or wherever.

3 Q. So another way, then, to restate that is, from
4 your standpoint there was no harm --

5 A. Right.

6 Q. -- in Senate Bill 14?

7 A. Yeah.

8 Q. And there might be some benefit, so it was
9 worth supporting. Is that about right?

10 A. Yeah. I mean, again, it wasn't my bill. But
11 when these issues came up in previous legislatures
12 before I was serving as presiding officer, I supported
13 them.

14 Q. Now, also around 2011, the Texas Department of
15 Public Safety began requiring citizenship requirement --
16 or citizenship documents to issue driver's license or
17 identifications. Are you aware of that?

18 A. I remember that, yes.

19 Q. Initially that change in policy was done on --
20 by the agency, not by the legislature. Are you aware of
21 that?

22 A. I vaguely recall that.

23 Q. Were you at all involved in DPS's decision to
24 start requiring citizenship to issue --

25 A. No --

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1 interested in this issue.

2 Q. Later the legislature gave DPS the authority to
3 require citizenship documents by statute. Is that
4 right?

5 A. I don't recall how we resolved it. I think
6 that's right.

7 Q. Is -- again, if you don't know, just tell us
8 that. But is one of the legislative purposes behind
9 Senate Bill 14 to determine and ensure that folks who
10 receive a ballot are U.S. citizens?

11 MR. D'ANDREA: Legislative privilege.

12 You may answer under seal.

13 And objection; calls for speculation.

14 A. I assume so.

15 Q. (BY MR. DUNN) Do you know whether any of the
16 identifications permitted under Senate Bill 14 can be
17 obtained without proving one is a citizen?

18 A. I don't know.

19 Q. Back to the DPS issue, though, for a moment, it
20 sounds like it was not the case that you directed or
21 otherwise suggested to DPS to begin requiring
22 citizenship documents to issue IDs.

23 A. Oh, no.

24 Q. Have you been briefed on or otherwise looked
25 into difficulties that some citizens may have,

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1 especially elderly citizens, in obtaining documentation
2 to show they were born in the United States, for
3 example?

4 MR. D'ANDREA: Legislative privilege.
5 You may answer under seal.

6 A. I know that it's been a matter that's been
7 reviewed and discussed, but I don't -- I think there
8 were provisions made, weren't there, in the bill for
9 elderly and for -- I've forgotten what it was.
10 65-year-olds or something. I think some of these -- I
11 think some of these matters were considered in the
12 legislation, if I'm not mistaken.

13 Q. (BY MR. DUNN) There is a provision in the bill
14 for people over the age of 65 to vote by mail. Is that
15 what you're referring to?

16 A. I think so.

17 Q. And they can vote by mail without showing such
18 identification?

19 A. That's correct.

20 Q. Is it your recollection that the reason such
21 provision was included in the bill was a recognition
22 that many of the elderly citizens would be unable to
23 obtain citizenship documentation?

24 A. I don't recall.

25 Q. So when it comes to the various IDs that are

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1 permitted, it's your belief that each of those IDs, a
2 citizen would have to prove their citizenship in order
3 to obtain. Is that right?

4 MR. D'ANDREA: Asked and answered.

5 A. I don't recall exactly what the ID requirements
6 are.

7 Q. (BY MR. DUNN) So is that a "I don't know"?

8 A. I don't know.

9 Q. All right.

10 A. Yeah.

11 Q. You mentioned earlier -- I'm going to kind of
12 shift gears on you and talk about your voting. I assume
13 that you vote somewhat regularly as a public official?

14 A. Oh, voting like on election day?

15 Q. Yes, sir.

16 A. Yes.

17 Q. Not voting in the House, but voting for elected
18 officers --

19 A. Yes.

20 Q. -- and measures.

21 Do you vote in person or by mail?

22 A. I vote in person.

23 Q. And why do you do it by in person rather than
24 mail?

25 A. Habit. Try to be home around elections. And

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1 early voting lasts so long, there's generally an
2 opportunity for me to vote in person.

3 Q. And when you vote in person, is it -- is it on
4 election day or early voting or a mixture?

5 A. Almost always, I vote early.

6 Q. Do you see the decision as to when to vote,
7 whether early or on election day, is a valuable choice
8 that you treasure?

9 MR. SCOTT: Objection; form, relevance.

10 A. What was the question again?

11 Q. (BY MR. DUNN) Do you see the decision -- or
12 the choice, the opportunity that you have to vote early
13 or on election day, as a valuable choice?

14 A. Yes.

15 Q. I mean, there -- have there been occasions, for
16 example, where you said, "Well, I think I'm going to
17 wait to vote till election day because there's some hot
18 issues in this race I want to see flesh out"?

19 A. No, that hasn't really been a consideration for
20 me.

21 Q. So from your standpoint, is the driving factor
22 when you vote the convenience, when you're able to --

23 A. Travel schedule and convenience, yes.

24 Q. All right. You mentioned that when you vote,
25 you take your voter registration card and your driver's

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1 license. Is that right?

2 A. Yes.

3 Q. And has that been true even prior to Senate
4 Bill 14?

5 A. For me, yes.

6 Q. Can you tell me when your Texas driver's
7 license expires?

8 A. No, I can't.

9 Q. Is it something you have on you, you could look
10 at?

11 A. Uh-huh.

12 Q. Would you mind doing that for me?

13 A. No. Sure hope it hasn't expired.

14 9-1-2017.

15 Q. Can you recall when -- thank you very much.
16 Can you recall when you last renewed it?

17 A. I do remember.

18 Q. When was that?

19 A. It was when my youngest daughter turned 18, I
20 think, and she wanted a new license, so I went with her.
21 And it was the first day of hunting season. It was my
22 birthday, September 1st, almost three years ago, I
23 think.

24 Q. So that would be September 1st, 2011?

25 A. I think that's right.

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1 Q. Can you recall when you went and renewed your
2 driver's license, whether you had to bring documentation
3 showing you were a U.S. citizen?

4 A. I don't remember.

5 Q. Can you recall whether your daughter was
6 required to do the same?

7 A. Again, I don't remember.

8 Q. Do you know --

9 A. I think, as I recall, I could have done it
10 online, maybe. I don't think I needed to go in person
11 at all, but since she was going, I just wanted to see
12 what the experience was like --

13 Q. Okay.

14 A. -- after spending a lot of money upgrading the
15 driver's license offices.

16 Q. That's something I want to talk about,
17 obviously, later today. Before -- before we get to
18 that, you were suggesting that you thought you could
19 renew your license online?

20 A. I thought so.

21 Q. Is it your understanding you can renew your
22 license on unlimited occasions online or just a few or
23 one?

24 A. I don't know.

25 Q. You got something in the mail, I assume, that

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1 gave you your options?

2 A. I don't remember. I think maybe I just went
3 because my daughter was going and I said, "Well, maybe
4 I'll just do it now." I really don't recall.

5 Q. So are you aware whether or not there are many
6 Texans who possess a state-issued driver's license who
7 didn't have to prove identification?

8 A. I'm not aware.

9 Q. When you went with your daughter to renew your
10 license, and hers it sounds like, what location did you
11 go to?

12 A. We went to one on the southeast side of San
13 Antonio.

14 Q. What time of day did you go there?

15 A. I want to say it was mid -- no, it was -- it
16 was in the afternoon, mid -- mid to late afternoon.

17 Q. Did you go with anyone else other than you and
18 your daughter?

19 A. Just the two of us.

20 Q. How long were you there?

21 A. Longer than I wanted to be. I wanted to go
22 shoot doves that afternoon.

23 Q. Was it opening day of dove season?

24 A. Uh-huh.

25 Q. Oh, I see.

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1 A. Yeah.

2 Q. Were you there 30 minutes? an hour? two hours?

3 A. We were there a good -- over an hour.

4 Q. There used to be a DPS office here near the
5 capitol that folks could avail themselves of. Is that
6 right?

7 A. I heard about it. I never went.

8 Q. All right. So I assume you couldn't tell us
9 anything about that?

10 A. Couldn't tell you anything about it. Is it not
11 still here?

12 Q. It might be. I don't know. Back when I worked
13 here, it was one of my favorite things of working in the
14 legislature. Walk over there, there wasn't anybody else
15 there. It was like the Maytag repairman in there.

16 Anyway, did you consider the wait that you
17 had at the DPS office to be unreasonable?

18 A. It was longer than it should have been.

19 Q. Did you follow up with any agency official
20 about that?

21 A. I did. I did talk to my staff about it, yes.

22 Q. Who on your staff did you speak with?

23 A. I don't recall. Probably my chief of staff.

24 Q. Did you go directly to the agency and speak
25 with anyone?

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1 A. I don't think so.

2 Q. Did you direct your staff to do so?

3 MR. D'ANDREA: Legislative privilege.

4 You may answer under seal.

5 A. I don't remember specifically. I just remember
6 expressing myself that we should be doing better in
7 terms of wait times at driver's license offices,
8 especially in view of an appropriation that was made to
9 make them more efficient, to upgrade their technology.

10 Q. (BY MR. DUNN) And did you have any follow-up
11 from that conversation with your staff about your
12 experience?

13 A. I have heard over time that there have been
14 improvements, but I'm not -- not aware.

15 Q. And I appreciate that. Thank you for that
16 answer. But did your staff come back to you and say,
17 "We met with this agency, and here's what's happening"
18 to respond --

19 A. I think --

20 MR. D'ANDREA: Legislative privilege.

21 You may answer under seal.

22 A. I think they have talked to the agency about
23 it.

24 Q. (BY MR. DUNN) And then your staff would report
25 back to you?

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1 Q. Was that something driven by the appropriations
2 committee and the appropriations chair?

3 A. It was driven -- as I recall, Senator Williams,
4 I think, was mainly involved with that.

5 Q. I mean, it wasn't the case that the agency came
6 to you and you told appropriations, "Look, this is
7 something we need to find" --

8 A. No, I did not.

9 Q. Again, is this a process that, other than
10 presiding over the House generally, you weren't really
11 involved in?

12 A. Not in a specific way, no.

13 Q. Do you recall any conversations to the effect
14 of, you know, "We need to try to do something about
15 these lines at DPS because of the photo identification
16 requirement"?

17 MR. D'ANDREA: Legislative privilege.

18 You may answer under seal.

19 A. No, it was more a modernization of something
20 that had -- didn't look like it was keeping up with
21 current acceptable customer service metrics.

22 Q. (BY MR. DUNN) So from your point of view, were
23 the issues unrelated in terms of the DPS modernization
24 and the photo identification bill?

25 MR. D'ANDREA: Legislative privilege.

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1 You may answer under seal.

2 A. Yeah, I hadn't really tied the two together. I
3 just thought the driver's license offices ought to be
4 working more efficiently generally.

5 Q. (BY MR. DUNN) You mentioned metrics. Had you
6 seen some data or metrics or measurements as to wait
7 times or which offices were more efficient, et cetera?

8 A. I don't recall. There was some talk about it,
9 but I don't remember what they were.

10 Q. Was that information, to your knowledge, that
11 the legislature had requested either by resolution or
12 bill in the past?

13 A. I don't remember.

14 Q. And so I would assume it's also your answer you
15 don't know if such information exists?

16 A. I -- I don't know, but I -- I can't -- it seems
17 to me that there was something developed. Whether it
18 was before '11 or after '11, I'm not sure.

19 Q. For example, with your experience in the south
20 side of San Antonio office, did you ask for, obtain or
21 receive metrics about that office's wait times?

22 A. I did not.

23 Q. And do you know whether the Department of
24 Public Safety was provided any additional funding to
25 deal with issues that relate to Senate Bill 14?

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1 A. Generally.

2 Q. All right. Did you ever read the Shelby County
3 opinion?

4 A. Did not.

5 Q. So just to make sure I'm clear and I've got
6 this in the record without objection, you haven't read
7 the district court's ruling on preclearance for Senate
8 Bill 14?

9 A. That's correct.

10 Q. And you also haven't read the Shelby County
11 opinion?

12 A. That's correct.

13 Q. The Texas attorney general took the position
14 that once the Shelby County opinion was issued, that
15 Senate Bill 14 could be implemented, and he announced as
16 such. Do you recall that happening?

17 A. Yes.

18 Q. Were you consulted at all before that decision?

19 A. No.

20 MR. SCOTT: Objection; form.

21 Q. (BY MR. DUNN) Was there, in other words, any
22 contact with your office about "Preclearance is no
23 longer required. We can implement Senate Bill 14 if we
24 want to"?

25 A. I'm sure there was contact with my office,

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1 yeah.

2 Q. Can you relay any of that to us?

3 A. No.

4 Q. Do you know what consideration, if any, was
5 made of the factual findings that the United States
6 District Court in D.C. found in the preclearance case
7 before implementation?

8 A. No.

9 Q. Do you know whether the district court opinion
10 on preclearance found that Senate Bill 14 would have a
11 disparate impact on minority citizens?

12 MR. D'ANDREA: Objection; assumes facts not
13 in evidence. Those findings have been vacated.

14 A. What was the question?

15 Q. (BY MR. DUNN) Do you know whether the district
16 court opinion in the preclearance action found that
17 Senate Bill 14 would have a disparate impact on minority
18 citizens?

19 A. I don't know.

20 MR. SCOTT: Same objection.

21 Q. (BY MR. DUNN) Do you know whether Senate
22 Bill -- or do you know whether the preclearance decision
23 in D.C., what it found as it pertains to the State's
24 ability to prove Senate Bill 14 was not passed with a
25 discriminatory intent?

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1 A. I don't.

2 Q. I just want to ask you a little bit about
3 voting behavior. I assume you've done some analysis of
4 voter behavior in your district.

5 A. Like what?

6 Q. All right. Well, let's start with this. Do
7 you know the general racial makeup of the citizens in
8 your district?

9 A. Not exactly, no.

10 Q. Do you have some sense of it?

11 A. Not -- not -- not that I would -- if you -- if
12 you gave it to me, I could say that it wouldn't surprise
13 me.

14 Q. Okay. I don't have it with me --

15 A. I don't have it with me either.

16 Q. And I'm not trying to quiz you on it, but I
17 know that some members, for example, can say, "My
18 district's" --

19 A. No, I don't know.

20 Q. -- "80 percent Anglo, about, or 20 percent"
21 this.

22 A. No, I don't know.

23 Q. Okay. Have you ever analyzed whether the --

24 A. I have known. I just don't recall what it is.

25 Q. Sure. I mean, that's information you've looked

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1 at in the past?

2 A. Yes.

3 Q. Have you ever looked at whether voting behavior
4 in your district is racially polarized?

5 A. No, I haven't looked.

6 Q. Have you looked at such information on voters
7 statewide?

8 A. I'm sure I've read about it in articles.

9 Q. What do you recall reading in articles?

10 A. Generally it's the -- it's the coverage of the
11 percentage of minority votes for certain candidates.

12 Q. And what's your sense of that coverage?

13 A. How -- how well or not well certain Republicans
14 are doing in a certain cycle with minority voters. But
15 I don't -- I don't remember what those numbers are
16 either, frankly.

17 Q. Well, and not focusing on exact numbers, but is
18 it your recollection that voters in Texas are racially
19 polarized, that, for example, blacks and Hispanics vote
20 for one party's nominee and a large number of Anglos
21 vote for another party's nominee, or is that something
22 you just don't know?

23 A. I mean, I seem to have read about it, yeah. I
24 mean, I think that has been the case recently.

25 Q. All right.

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1 A. I think everybody's polarized.

2 Q. On everything?

3 A. Yeah.

4 Q. All right. What did you do to prepare for your
5 deposition today? You told me you spoke with some
6 lawyers at the attorney general's office. I don't want
7 you to get into that, okay? But other than that, did
8 you speak with anybody else?

9 A. No.

10 Q. Did you review any documents?

11 A. Only maybe a couple things that these gentlemen
12 may have shown me from -- I don't remember what they --
13 you know, nothing -- nothing -- "review" would be too
14 strong of a word.

15 Q. Okay. Can you recall any document that you
16 looked at?

17 A. No.

18 Q. Even what it was?

19 A. Give me a minute, I'll -- I'll remember
20 something they showed me, but I don't remember what they
21 were. Nothing that caught my attention.

22 Q. Did you --

23 THE WITNESS: Sorry, guys.

24 Q. (BY MR. DUNN) Did you review the text of

25 Senate Bill 14?

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1 A. I did not.

2 Q. And I assume you didn't review the earlier
3 court decision that pertains to Senate Bill 14?

4 A. No, I did not.

5 Q. Did you review any of the rulings that the
6 judge presiding over this case has issued?

7 A. No.

8 Q. All right. Have I been courteous to you today?

9 A. Let me fill out your card. I'll give you a 10.

10 Q. Okay. Out of 100?

11 Thank you, Mr. Speaker. I appreciate your
12 time.

13 A. You bet.

14 EXAMINATION

15 BY MR. GEAR:

16 Q. Sir, my name is Bruce Gear. I'm with the
17 Department of Justice. I'm one of the attorneys
18 representing the United States. And just to start off,
19 I'd like to just go back over quickly the ground
20 rules --

21 A. Okay.

22 Q. -- of the deposition.

23 A. Uh-huh.

24 Q. I'll be asking the questions. You're going to
25 answer, and you've been answering using verbal

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1 implementation.

2 A. Not to me directly, no.

3 Q. Are you aware who, if anyone, would have
4 received such updates in the House?

5 A. No, I don't know.

6 Q. Are you aware of whether or not the Secretary
7 of State's office engaged in any analysis regarding the
8 impact of SB14 on minority voters since the
9 implementation of SB14?

10 A. I'm not aware.

11 Q. Are you aware of whether the legislators who
12 supported SB14 have made any attempt to assess the
13 impact of SB14 on minority voters?

14 A. I don't know.

15 Q. Are you aware of any agency in the -- in the
16 state that has attempted to assess the impact of SB14 on
17 minority voters?

18 A. I'm not aware.

19 Q. All right. And just to round that circle, are
20 you aware of any analysis whatsoever since the
21 implementation of SB14 to determine the impact of SB14
22 on voters generally?

23 A. I don't know.

24 Q. Do you know any -- whether there are any state
25 agencies that have attempted to determine the number of

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1 A. Describe it?

2 Q. The title, the date.

3 A. Oh, yeah. San Antonio Express News, June 7,
4 2009.

5 Q. And directing your attention to page 1, the
6 fourth paragraph, I believe, do you see where it says,
7 "The issue of ballot security is important, but the way
8 the Senate behaved at the first opportunity did nothing
9 to help the House pass a responsible anti-voter fraud
10 bill"?

11 Do you see that?

12 A. I see that, yes.

13 Q. Can you explain to me what you -- and based on
14 your prior testimony --

15 A. Uh-huh.

16 Q. -- I believe you described that as an accurate
17 quote, correct?

18 A. I don't always say that about the media --
19 about the press, but, yeah, I think probably it probably
20 was.

21 Q. So based on your statement, can you explain to
22 me what you meant by "the way the Senate behaved at the
23 first opportunity"?

24 MR. D'ANDREA: Legislative privilege.

25 You may answer under seal.

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1 A. I mean, I'm having a hard time remembering that
2 long ago now, but I think in 2009, there was some change
3 in the regular order of business of the Senate to bring
4 this bill up, and I think it -- it was -- I felt that it
5 was -- this comment was really related to the measures
6 taken in the Senate and timing related to other business
7 of the House.

8 Q. (BY MR. GEAR) So let's see if we can put some
9 context to the -- the time period. You said "to bring
10 this bill up." Are you referring to Senator Fraser's
11 bill?

12 A. I'm trying to remember. I don't remember whose
13 bill it was or what it was. I think what I was probably
14 referring to was that the 140 days we have in the
15 legislature and when bills move and so forth, and I
16 think it was just the whole atmospherics of House and
17 Senate.

18 Q. Is it fair to say that in 2009, the Senate
19 introduced a voter photo identification legislation?

20 A. Did they?

21 Q. Did they?

22 A. Yes.

23 Q. And do you recall if -- do you recall the
24 number of that particular piece of legislation?

25 A. I don't.

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1 Q. If I was to represent to you that it was Senate
2 Bill 362, would that help refresh your recollection?

3 A. No.

4 Q. Do you recall who the author of that bill was?

5 A. You mentioned Fraser, so I guess I vaguely
6 remember he was the author.

7 Q. Am I correct or do you recall that the Senate
8 modified the two-thirds-of-consent requirement to bring
9 Senator Fraser's bill to the Senate forum?

10 MR. D'ANDREA: Objection; that
11 mischaracterizes the rule.

12 Q. (BY MR. GEAR) You can answer.

13 MR. D'ANDREA: Yes, please.

14 A. Yeah, I vaguely recall that, yeah.

15 Q. And that change was in -- made in 2009. Am I
16 correct?

17 A. I -- yeah. Yes.

18 Q. And do you recall if the change to the
19 two-thirds rule was a subject matter specific to Senator
20 Fraser's bill?

21 A. I assume so, yes. As I remember at this point,
22 yes.

23 Q. So, now, turning back to what's now been marked
24 as Exhibit 1 --

25 A. Uh-huh.

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1 Q. -- the news article, "The issue of ballot
2 security is important, but the way the Senate behaved at
3 the first opportunity," did our discussion at all help
4 refresh your recollection as to what was going on during
5 that time period?

6 MR. D'ANDREA: Legislative privilege.

7 You may answer under seal.

8 A. Yeah, a little bit. I think it was -- as I
9 recall, my comments were really regarding the ability of
10 the House to pass legislation, and I think the House and
11 the Senate, as is not unusual, had different views about
12 which body should act and when and how we relate to one
13 another.

14 Q. (BY MR. GEAR) You also indicate in your -- in
15 your quote that they did nothing to help pass a
16 responsible antifraud -- anti-voter fraud bill. Can you
17 explain what you meant by that?

18 MR. D'ANDREA: Legislative privilege.

19 You may answer under seal.

20 A. Yeah, I don't remember exactly at this point,
21 but -- I don't remember exactly what it was.

22 Q. (BY MR. GEAR) Was there some type of
23 disagreement between the House and the Senate as to what
24 type of voter photo identification legislation should be
25 advanced?

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1 MR. D'ANDREA: Also privileged.

2 A. Well, I don't know that we were that
3 coordinated, but I did -- I do recall that -- that the
4 House, in 2009, was a very closely divided House with --
5 on a partisan basis.

6 And as I remember, the Senate was acting on
7 its own and on its own time frame, and the House was
8 a -- was a, you know, difficult, close body to manage.
9 And I think that's what these comments were related to.

10 Q. (BY MR. GEAR) And to finish this quote, you
11 ended with, "It's become all politics." Can you explain
12 that?

13 MR. D'ANDREA: Also privileged.

14 A. No, I can't.

15 Q. (BY MR. GEAR) Turning your attention to
16 page 2, the third paragraph, you're also quoted as
17 saying, "Everything would have been wonderful, but it
18 wasn't my choice to deal with it this way . . . we
19 had" -- strike that -- "but it wasn't my choice to deal
20 with it the way we had to with the temperature turned up
21 as much as it was. That was the Lieutenant Governor
22 David Dewhurst's decision."

23 Do you see where it says that?

24 A. I see that, yes.

25 Q. What decision did the lieutenant governor make

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1 regarding voter photo ID legislation?

2 MR. D'ANDREA: Legislative privilege.

3 You may answer under seal.

4 A. I don't recall what it was.

5 Q. (BY MR. GEAR) Does the lieutenant governor
6 control the legislative calendar?

7 A. Yes.

8 Q. Do you recall if he made a decision regarding
9 the legislative calendar in 2009 as it relates to voter
10 photo identification?

11 A. I recall that -- I don't remember the
12 specifics, but I do think they -- that they brought --
13 yes, I think he -- I think what I was talking about was,
14 this was not making -- some of their procedures over
15 there was not making it easier for a closely divided
16 House to deal with matters such as this.

17 Q. And "the procedures over there," you're
18 referring to the Senate?

19 A. (Nodding head affirmatively.)

20 Q. And what procedures specifically were you
21 concerned with?

22 A. I don't remember. I don't remember anymore.

23 Q. Is it fair to say that the procedures that you
24 were concerned about were deviations from the normal
25 procedures that are followed in the Senate?

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1 A. I don't -- I really don't recall.

2 Q. You go on to be quoted as saying, "While I'm
3 supportive of voter ID and ballot security, I thought it
4 was unwise for him to take the extraordinary measure
5 that he did to get it to this place."

6 Did I read that correctly?

7 A. I suppose so, yes. I mean, you read the
8 article correctly, yes.

9 Q. And do you believe that this is an accurate
10 quote?

11 A. I believe it is. This was what was to be an
12 off-the-record discussion with the reporter.

13 Q. That turned into --

14 A. Turned out not to be, yes.

15 Q. When you say "unwise for him," are you
16 referring to David Dewhurst?

17 A. I suppose --

18 MR. D'ANDREA: Legislative privilege.

19 You can answer under seal.

20 A. I suppose so.

21 Q. (BY MR. GEAR) And when you're referring to
22 "the extraordinary measure that he did to get it to this
23 place," you're referring to voter photo ID legislation?

24 MR. D'ANDREA: Also privileged.

25 A. I suppose so.

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1 A. I don't -- I don't recall anymore.

2 Q. (BY MR. GEAR) Near the bottom of page 2, I
3 think it's the third paragraph up, it says, "Both sides
4 are taking a really hard position and exaggerating it
5 when you indicate both sides are taking a hard
6 position."

7 Can you tell me what sides you were
8 referring to?

9 MR. D'ANDREA: Legislative privilege.
10 You may answer under seal.

11 A. I guess it was the -- the arguments that they
12 were making and the debate over the bill.

13 Q. (BY MR. GEAR) And when you say "the arguments
14 that they were making," the quote goes on to say that
15 "Democrats exaggerate the danger of a more modest bill,
16 and Republicans exaggerate the depth of the problem that
17 needs to be addressed."

18 Do you see that?

19 A. I see that, yes.

20 Q. And do you -- again, do you believe that that's
21 an accurate quote?

22 A. I suppose so. It was a long time ago and, I
23 thought, off the record, so I don't even remember making
24 it, but I don't have reason to believe it wasn't.

25 Q. So starting with the beginning of this quote,

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1 what positions -- what hard positions do you believe
2 were being exaggerated when it came to Senator Fraser's
3 photo ID legislation?

4 MR. D'ANDREA: Also privileged.

5 A. I do not recall.

6 Q. (BY MR. GEAR) Do you recall what positions the
7 Democrats, as -- as it relates to your quote, what
8 positions they were taking and possibly exaggerating?

9 A. I don't.

10 Q. Do you recall what positions the Republicans
11 were exaggerating as it relates to photo ID legislation?

12 A. I don't.

13 Q. And more specifically, it indicates that
14 Republicans were exaggerating the depth of the problem
15 that needs to be addressed. What problem needed to be
16 addressed with photo ID legislation, as you understand
17 it?

18 A. The issue of voter fraud.

19 Q. And specifically, is -- was that limited to
20 in-person voter fraud at the polling place?

21 A. Yes.

22 Q. And are you aware of whether -- and I'm going
23 to change the time period. SB14, did that deal with
24 by-mail ballot fraud in any form or fashion?

25 A. I don't know.

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1 A. I don't know that I see every one of them.

2 Q. But do you make a habit of approving draft
3 letters that are sent out to constituents?

4 A. I try to.

5 Q. All right. And specifically, I just want to
6 turn your attention to paragraph 2.

7 A. Uh-huh.

8 Q. "The 82nd Legislature convened on January 11,
9 2011. To date, there has been no legislation filed to
10 address potential fraud related to mail-in ballots."

11 Do you see that?

12 A. I see that, yes.

13 Q. And is it fair to say that SB14 did not address
14 fraud related to mail-in ballots?

15 A. I don't recall what was in the bill.

16 Q. All right. But based upon your letter, does it
17 appear to represent that SB14 does not address potential
18 fraud related to mail-in ballots?

19 A. Based on this letter, yes.

20 Q. Now, staying along the -- along the line of
21 your discussions with constituents, did you communicate
22 with constituents during the consideration of SB14?

23 A. I don't remember.

24 Q. You certainly communicated with constituents
25 regarding SB14 and --

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1 A. Yes.

2 Q. -- and the issue of by-mail ballot fraud,
3 correct?

4 A. Yes.

5 Q. Do you recall communicating with constituents
6 regarding concerns of noncitizens voting?

7 A. I don't recall.

8 (Straus Exhibit No. 3 was marked.)

9 MR. GEAR: Again, I would represent for the
10 record that this is a highly confidential document, that
11 it appears to have come from the legislative files of
12 Speaker Straus.

13 Q. (BY MR. GEAR) And I'll just give you a chance
14 to look at this.

15 A. (Examines document.) Okay.

16 Q. Does this help refresh your recollection as to
17 whether or not you communicated with your constituents
18 regarding noncitizens voting at the polls?

19 A. It appears I did, yes.

20 Q. And I'd direct your attention to -- actually,
21 strike that.

22 At the bottom of Exhibit No. 2 [sic], it
23 has a series of -- it has a file address. Do you see
24 that?

25 A. Down in the corner, right corner?

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1 Q. At the very bottom.

2 A. Yeah.

3 Q. And it's the -- capitol/texas. And it shows,
4 reading through it, CMS/Email/2009-02-11.

5 MR. D'ANDREA: I'm sorry, counsel.

6 A. Oh, here.

7 MR. D'ANDREA: I thought you said
8 Exhibit 2. I'm sorry.

9 A. Okay.

10 Q. (BY MR. GEAR) Do you recognize this as coming
11 from your files?

12 A. I don't know.

13 Q. Can you tell me specifically what this document
14 is, referring to the first page?

15 A. It's a response to someone who wrote about
16 voter ID and voter fraud.

17 Q. And it's prepared for your signature, correct?

18 A. Either that or it's an e-mail response.

19 Q. Okay. So directing your attention to
20 paragraph 2 --

21 A. Uh-huh.

22 Q. -- it says, "As you are aware, state and
23 federal law both require all voters to be citizens, but
24 current law requires no photo identification or proof of
25 citizenship when registering to vote or when voting. I

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1 agree that we need to revise our current Texas voting
2 laws to ensure that only U.S. citizens who are Texas
3 residents are voting in our Texas elections."

4 Do you see that?

5 A. I do, yes.

6 Q. Is it fair to say that you received
7 communication from your constituents regarding concerns
8 that noncitizens were voting at the polls?

9 MR. D'ANDREA: Legislative privilege.

10 You may answer under seal.

11 A. I don't recall what the communication was that
12 they were writing about, but I would assume that was --
13 I would assume that's correct.

14 Q. (BY MR. GEAR) And when you say you "agree that
15 we need to revise our current Texas voting laws to
16 ensure that only U.S. citizens who are Texas residents
17 are voting in our Texas elections," what are you basing
18 that -- that position on?

19 A. I'm guessing that it was the no photo
20 identification.

21 Q. Did you have any research or analysis that
22 would suggest that noncitizens were actually voting at
23 the polls in Texas?

24 A. Not that I recall.

25 Q. Did you convene any committees to determine if

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1 noncitizens were voting at the polls in Texas?

2 A. That may have been -- that may have been
3 subject to a hearing of a committee, but I don't recall.

4 Q. Do you recall what the results or the findings
5 of that committee may have been?

6 A. No.

7 Q. Do you recall if -- during the course of
8 consideration for voter photo ID legislation, that the
9 topic of noncitizens voting came up during public
10 debate?

11 A. I imagine it did. I don't recall specifically.

12 Q. Do you recall if legislators who supported the
13 bill raised the concern that noncitizens may be voting
14 at the polls?

15 MR. D'ANDREA: Legislative privilege.

16 You may answer under seal.

17 A. I vaguely recall that, sure. I think it's been
18 part of the debate.

19 Q. (BY MR. GEAR) And do you recall if there was
20 also private discussion regarding noncitizens possibly
21 voting at the polls?

22 MR. D'ANDREA: Also privileged.

23 A. I don't recall.

24 (Straus Exhibit No. 4 was marked.)

25 Q. (BY MR. GEAR) I'm showing you what's been

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1 marked as Exhibit No. 3, I believe. And I'll give you a
2 chance to --

3 THE REPORTER: 4.

4 Q. (BY MR. GEAR) 4. And I'll give you a chance
5 to look at that.

6 MR. GEAR: Thank you.

7 A. (Examines document.)

8 Q. (BY MR. GEAR) Just let me know when you've had
9 a chance to review it.

10 A. (Examines document.) Okay.

11 Q. Can you identify what this document is for me,
12 please?

13 A. It looks like a press release from Senator
14 Fraser.

15 Q. And do you recognize this to be an official
16 press release from his office?

17 A. It appears to be, yes.

18 Q. And directing your attention to paragraph 4
19 where it indicates, "I want to ensure that illegal
20 aliens, noncitizens" and other -- "and people otherwise
21 not qualified do not dilute the legitimate votes cast by
22 citizens."

23 Do you see where it says that?

24 A. Yes, I do.

25 Q. And not to ask you for the truth of the matter

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1 asserted, but do you recall discussions similar to this
2 taking place during debate regarding photo ID
3 legislation?

4 A. Not specifically, but I would imagine they did.

5 Q. Do you recall ever responding to allegations
6 that noncitizens may be voting at the polls?

7 MR. D'ANDREA: Legislative privilege.

8 You may answer under seal.

9 A. No, I don't recall.

10 Q. (BY MR. GEAR) Do you have an opinion as to
11 whether or not noncitizens may have been voting at the
12 polls?

13 A. An opinion?

14 Q. An opinion, yes.

15 A. No.

16 Q. And are you aware of any -- other than the
17 committee that may have convened to look at the issue,
18 are you aware of any other communications with any of
19 the other legislators regarding this issue of
20 noncitizens voting at the polls?

21 MR. D'ANDREA: Also privileged.

22 A. No.

23 Q. (BY MR. GEAR) You may have been asked this
24 previously by Attorney Dunn. Do you recall one of the
25 issues being raised during the public debate that photo

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1 ID legislation may result in the disenfranchisement of
2 minority voters?

3 A. Yes.

4 Q. And did you publicly respond to that concern in
5 any way?

6 A. I don't recall.

7 Q. Did you convene any committees that would have
8 reviewed that issue in any detail?

9 A. Not that I remember, no.

10 Q. Are you aware of any committees being convened
11 that did, in fact, look at the issue of whether or not
12 voter photo identification would -- requirements would
13 result in the disenfranchisement of minority voters?

14 A. No.

15 Q. Do you recall receiving communications from
16 constituents regarding their concern that photo ID
17 legislation would result in the disenfranchisement of
18 minority voters?

19 MR. D'ANDREA: Legislative privilege.

20 You may answer under seal.

21 A. I don't recall.

22 Q. (BY MR. GEAR) And so as you sit here today,
23 are you aware of any analysis that was conducted in the
24 House that reviewed the issue of voter photo ID
25 legislation and its impact on minority voters?

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1 A. I'm not aware.

2 Q. You talked a bit about the process how a bill
3 comes from the Senate to the -- to the House. I don't
4 completely understand that process. But other than the
5 bill itself, is there any other material that comes
6 along with the -- the transfer of -- of the bill? Does
7 that make sense?

8 A. It makes sense, but I'm not sure. I'm not sure
9 what comes with a -- with a bill. I don't see anything.

10 Q. So is the bill actually transferred
11 electronically? Is it --

12 A. I don't know.

13 Q. -- walked across to the House? I mean, I don't
14 know. Generally.

15 A. I believe so, yeah. They're -- they're brought
16 to us.

17 Q. Physically? Okay.

18 A. I think so.

19 Q. Regarding SB14 specifically, when you receive
20 the bill in the House, does that also include the
21 analysis that may have been conducted?

22 A. When we receive it? I really don't know. I
23 never -- I never look at the physical bills when they
24 come. You'd have to ask the clerk or others that handle
25 that. I don't know.

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1 Q. Based on your knowledge --

2 A. Uh-huh.

3 Q. -- are you aware of whether any analysis
4 related to SB14 was -- was sent from the Senate to the
5 House along with the bill?

6 A. I don't know.

7 Q. And as you sit here today, do you recall
8 reviewing any analysis that was conducted at the Senate
9 level regarding SB14?

10 A. I don't recall.

11 Q. Who is Meredith Fowler?

12 A. She's a member of the Speaker staff.

13 Q. Your staff?

14 A. Yes.

15 Q. Okay. And did she assist you in -- in
16 reviewing SB14 during your consideration of the bill?

17 A. I imagine she did, yes.

18 Q. What --

19 A. It would have been in her portfolio.

20 Q. I'm sorry. I missed the last part.

21 A. I said it would have been an issue in her
22 portfolio, yes.

23 Q. And if you recall, do you ask -- do you recall
24 asking her to conduct any particular tasks regarding
25 analyzing SB14?

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1 A. No.

2 Q. Do you recall receiving any written analysis
3 from Ms. Fowler regarding SB14?

4 MR. D'ANDREA: Legislative privilege.

5 You may answer under seal.

6 I'd also like to caution that Ms. Fowler's
7 a lawyer. So to the extent that this is -- to the
8 extent her portfolio involves policy discussions, you
9 may answer that under seal subject to the legislative
10 privilege. But to the extent she's giving you legal
11 advice, that's attorney/client protected. It sounds
12 like we're still in policy land. So I think you can
13 answer this under seal.

14 A. The question?

15 Q. (BY MR. GEAR) Do you recall receiving any
16 analysis from Attorney Fowler regarding --

17 A. I don't.

18 Q. -- SB14?

19 A. I do not.

20 (Straus Exhibit No. 5 was marked.)

21 Q. (BY MR. GEAR) I'm handing you what's been
22 marked as Exhibit No. 5.

23 MR. GEAR: And I will, again, represent
24 that this is identified as a highly confidential
25 document which appears to have come from the legislative

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1 files of Speaker Straus.

2 A. Uh-huh.

3 Q. (BY MR. GEAR) And I'd direct your attention to
4 page 2 --

5 MR. GEAR: You can have a copy.

6 MR. SCOTT: Thanks, Bruce.

7 Q. (BY MR. GEAR) -- at the bottom. And before we
8 get into this document, have you seen this document
9 before?

10 A. I don't recall, but I could -- could well have,
11 probably did.

12 Q. Do you see where it says, "as described
13 above" -- sorry. Strike that.

14 It's titled Elections. "Voter ID" --

15 A. Uh-huh.

16 Q. -- "as described above will be a big issue.
17 However, with Republicans' super majority, I anticipate
18 legislation passing this time."

19 Do you see that?

20 A. Yes, I do see it.

21 Q. And this is referring to voter photo ID
22 legislation?

23 A. Yes.

24 Q. "I think a straight photo ID requirement is the
25 likely type of legislation that will pass this session."

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1 Do you recall the discussions with your
2 staff regarding the type of photo ID legislation that
3 was likely to pass in 2011?

4 MR. D'ANDREA: Legislative privilege.

5 You may answer under seal.

6 A. I don't recall.

7 Q. (BY MR. GEAR) Can you -- can you tell me, if
8 you recall, why there was an opinion that a straight
9 photo ID requirement would likely pass during the -- a
10 straight photo ID legislation would likely pass?

11 MR. D'ANDREA: Privileged and calls for
12 speculation.

13 A. I don't -- I don't know. And I'm not even sure
14 I know what a straight photo ID -- I don't know what
15 that means.

16 Q. (BY MR. GEAR) Would you consider SB14 a
17 straight photo ID legislation?

18 A. It's a photo ID, yes. I'm not sure what the --
19 yeah. Okay, yes.

20 Q. So on the flip side, would you consider Senator
21 Fraser's previous 2009 bill as a non -- strike that.

22 Senator Fraser's photo ID bill allowed both
23 photo and non-photo ID, correct?

24 A. I think so.

25 Q. And would you have considered that to be a

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1 moderate bill?

2 A. Compared to this, to one that requires only a
3 photo ID?

4 Q. Yes.

5 A. Yes.

6 Q. So would you agree that SB14, as passed, was
7 more stringent than prior photo ID legislation that was
8 proposed in both the Senate and the House?

9 A. I think that's correct.

10 Q. Have you ever heard discussion that SB14, as
11 passed, was one of the most stringent bills in the
12 country?

13 A. I've heard it described that way, yes.

14 Q. And do you agree with that position?

15 A. I -- I don't know.

16 Q. And when you say you heard it described, you've
17 heard it described by the legislators?

18 MR. D'ANDREA: Privileged.

19 You may answer under seal.

20 A. It seems that I have. I mean, I've seen it
21 written about that way.

22 Q. (BY MR. GEAR) Do you -- do you know why --
23 from the 2009 bill to SB14, what -- the reason for
24 reducing the types of allowable ID? Do you know the
25 reason for that?

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1 Q. (BY MR. GEAR) Do you recall during the
2 consideration of SB14 that certain types of ID would not
3 be allowed because they may be in the possession of
4 noncitizens who may --

5 A. No.

6 Q. -- be voting at the polls?

7 A. No, I don't recall.

8 Q. Was there an intent in the legislature to make
9 SB14 more stringent than other photo ID legislation that
10 was proposed previously?

11 MR. D'ANDREA: Privileged and calls for
12 speculation that the legislature is a they, not an it.

13 Q. (BY MR. GEAR) Well, it or they. You can
14 answer.

15 A. You'd have to talk to the bill author. I don't
16 know.

17 Q. When reviewing Exhibit No. 5 --

18 A. Uh-huh.

19 Q. -- and looking at the language "straight photo
20 ID requirement" --

21 A. Uh-huh.

22 Q. -- what do you think that meant?

23 A. I guess after our discussion here, in comparing
24 it to other bills, it's -- it's a voter -- it's an ID
25 requirement for a photo ID.

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1 Q. Do you see at the top where it says, "SB14
2 would give Texas arguably the strictest photo ID law in
3 the country"?

4 A. I do.

5 Q. And again, is it your understanding that SB14
6 was arguably the strictest photo ID law in the country?

7 A. Is it my understanding? Yes.

8 Q. And just running through the middle of the page
9 quickly, Substantive Provisions, "A voter must present
10 an acceptable photo ID on election day."

11 Do you see where it says that?

12 A. No. Where is it?

13 Q. The middle of the page --

14 A. Oh, yes.

15 Q. -- the first page.

16 A. Yes, uh-huh. Yep.

17 Q. Is it your understanding that SB14, under the
18 provisions of SB14, a Texas driver's license cannot be
19 expired more than 60 days?

20 A. Yes.

21 Q. And that an ID card issued by DPS cannot be
22 expired more than 60 days?

23 A. Yes.

24 Q. Do you have any understanding of what type of
25 military IDs are allowed under SB14?

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1 whether state employee IDs should be used, you responded
2 you're not sure why it would not be allowed.

3 Can you elaborate on why you think state
4 employee IDs should not be prohibited from being used to
5 confirm identification at the pole?

6 A. Just my personal opinion. I don't know why a
7 government ID would not be sufficient.

8 Q. Is it fair to say that you think that Texas
9 agencies, for example, the Texas attorney general's
10 office, has sufficient procedures in place to ensure
11 that an ID is only given to a person whose picture is on
12 it?

13 A. I would think so.

14 Q. So you would have no problem if somebody from,
15 say, the Texas Department of Agriculture, went to a
16 pole, showed their state ID; that should be allowed for
17 an individual to prove their -- who they are?

18 A. I would have no problem with that.

19 Q. You also said you -- I believe you would have
20 no problem with a federal employee identification card
21 being used by an individual at the pole. Is that
22 correct?

23 A. I think I said that, yes.

24 Q. So if, for instance, a U.S. attorney based here
25 in Austin or in Houston wanted to go vote and they used

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1 their federal employee identification, that should be
2 sufficient for proving their identification at the pole?

3 A. In my personal opinion.

4 Q. Do you know why state employee IDs and federal
5 employ IDs are not allowed under SB14?

6 MR. D'ANDREA: Objection; calls for
7 speculation.

8 A. I do not know.

9 Q. (BY MR. SHORDT) Did you have any conversations
10 with any senators or representatives during the debate
11 over SB14 as to why federal or state employee IDs are
12 not allowed to be -- or are not included in SB14?

13 MR. D'ANDREA: Legislative privilege. The
14 witness may answer under seal.

15 A. No, I did not.

16 MR. SHORDT: I take exception to the
17 question of whether -- or whether he has waived or not
18 waived that privilege. He answered the questions
19 earlier, I thought, with respect to conversations.

20 MR. D'ANDREA: The record will . . .

21 Q. (BY MR. SHORDT) Now, you said also you would
22 not have a problem with student IDs with photos on it
23 from Texas universities or colleges being sufficient
24 identification for SB14 purposes. Is that correct?

25 A. I'm not an expert in ID accuracy or

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1 verification, but I wouldn't see a problem. I don't
2 know of a problem with that.

3 Q. So you don't know of student IDs ever being
4 used for fraudulent purposes for voting in any election
5 in Texas?

6 A. I'm not aware of that.

7 Q. Do you -- are you aware of any analysis that
8 has ever been undertaken to that effect?

9 A. I'm not.

10 Q. Are you aware that this was a talking point
11 used during debate on SB14 that student IDs could be
12 forged? Do you recall any discussions on that point?

13 A. I don't recall that.

14 (Straus Exhibit No. 7 was marked.)

15 MR. SHORDT: Is that Exhibit 7?

16 THE REPORTER: 7, yes.

17 MR. D'ANDREA: I'd like to note for the
18 record this is marked highly confidential.

19 Q. (BY MR. SHORDT) Can you please tell me -- have
20 you seen what has been marked as Exhibit 7? And it is
21 highly confidential, as identified by Mr. D'Andrea.

22 A. It doesn't look familiar. They may have shown
23 it to me, but I didn't read it.

24 Q. Do you know who prepared it?

25 A. No, I don't know. Meredith, I assume. But I

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1 don't recognize the writing.

2 Q. Can you read the top line for me, please?

3 A. "New," and then in parentheses, "for Dem
4 support."

5 Q. You see Item No. 2 listed?

6 A. Uh-huh.

7 Q. It says "63.0101(a)(6)" --

8 A. Yes.

9 Q. -- "allows public or private," underlined,
10 "college ID cards"?

11 A. Yes.

12 Q. Did you have any conversations with democratic
13 representatives or senators who are seeking to gain
14 support for voter ID legislation by returning IDs that
15 are acceptable photo IDs for voting?

16 MR. D'ANDREA: Privileged.

17 You may answer under seal.

18 A. No.

19 Q. (BY MR. SHORDT) Do you know which Republicans
20 in the House or Senate may have floated the idea to
21 include public or private college ID cards to attract
22 democratic support --

23 THE REPORTER: I'm sorry.

24 MR. SHORDT: Sorry.

25 THE REPORTER: The end of the question,

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1 Q. (BY MR. SHORDT) Do you see where it states
2 that -- and this will be line -- sorry, the third
3 bullet -- "There is no assurance to the State that the
4 persons who process student IDs are capable of providing
5 the same type of security in issuing those IDs as the
6 state or federal government would be in the types
7 discussed in SB14"?

8 A. I see that, yes.

9 Q. Do you agree with that statement?

10 A. I don't know enough to agree or disagree.

11 Q. Earlier didn't you say, though, that you had no
12 problem with including student IDs?

13 A. Yeah, but also, I'm not an expert in security
14 of ID production.

15 Q. Did anybody -- or strike that.

16 Was there any discussion during SB14
17 debate, any analysis provided, any report provided
18 addressing the sufficiency of student ID preparation at
19 Texas colleges and universities?

20 A. I don't know.

21 Q. Did you ask for that?

22 MR. D'ANDREA: Privileged.

23 A. I did not ask for it, no.

24 Q. (BY MR. SHORDT) If you could look at bullet
25 No. 1. Do you see where it says, "There is no

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1 uniformity amongst Texas institutions of higher
2 education for making student IDs"? Second bullet --
3 sub-bullet, I'm sorry, "Some do not have expiration
4 dates"?

5 A. Okay. I see it, yes.

6 Q. Do you know why an expiration date of an ID
7 would prove or disprove that an individual in the
8 picture was not the person whose name was on the ID?

9 A. No.

10 Q. Do you know why -- why an individual -- do you
11 know why photo IDs, under SB14, must have an expiration
12 date?

13 A. I don't.

14 Q. If I can direct your attention to the fifth
15 bullet, blocked bullet. It says, "Ease of forging
16 student IDs." Are you aware of any analysis conducted
17 or reports provided on whether -- or on forging of
18 student IDs in Texas?

19 A. No. I only have two daughters. No, I don't --
20 I don't know.

21 Q. Hopefully they're not forging student IDs.

22 A. I hope not.

23 Q. Or any other IDs.

24 A. I hope not.

25 Q. Are you aware of any analysis or reports of

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1 workers may see in any given election?

2 A. I don't.

3 Q. Do you know how many types of -- different
4 types of military IDs there are?

5 A. How many types of --

6 Q. Different types of military IDs that are --

7 A. No, I don't -- I don't know.

8 Q. Do you know how many Texas universities and
9 colleges there are?

10 A. I should, but I don't.

11 Q. To your knowledge, is there any evidence that
12 suggests that student IDs have ever been used to commit
13 voter fraud in any election in Texas?

14 A. I'm not aware.

15 Q. Have you ever asked for that information?

16 A. No.

17 Q. Have you ever had conversations with other
18 members or senators who have discussed that?

19 MR. D'ANDREA: Privileged.

20 A. No, I haven't.

21 (Straus Exhibit No. 9 was marked.)

22 Q. (BY MR. SHORDT) I'm showing you what's been
23 marked as Exhibit No. 9. And I will represent it is an
24 excerpt of the House Journal from the 82nd Texas
25 legislature regular session proceedings that occurred on

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1 A. That -- that's what I would think it says, yes.

2 Q. And earlier I believe you said -- you testified
3 that an election identification certificate was created
4 in SB14 so an individual could get, free of charge, a
5 photo ID to vote pursuant to SB14. Is that correct?

6 A. I thought so.

7 Q. Do you understand that this amendment would
8 allow an individual seeking to get a birth certificate
9 or another identification -- another form of
10 identification's underlying document needed in order to
11 obtain an election identification certificate?

12 A. I assume that's what it says, yeah.

13 Q. Do you recall just -- do you recall any debate
14 on Amendment No. 15 when SB14 -- I'm sorry --

15 A. Not specifically, but I'm sure there was.

16 THE REPORTER: Can you ask the question
17 again?

18 Q. (BY MR. SHORDT) Do you recall debate on
19 Amendment No. 15 when SB14 was debated?

20 A. I don't.

21 Q. And does the record reflect here that this
22 amendment was tabled?

23 A. Yes.

24 Q. And does "tabled" mean that it did not pass?

25 A. That's correct.

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1 Q. So is it fair to say that this amendment did
2 not pass and, as a result, individuals still are
3 required to pay fees in order to obtain documents that
4 they may need to obtain an election identification
5 certificate?

6 MR. D'ANDREA: Objection; misstates the
7 evidence in the record.

8 MR. SCOTT: Objection; form,
9 mischaracterization of the evidence.

10 Q. (BY MR. SHORDT) You can answer.

11 A. Well, it says that this amendment failed.

12 Q. I'll re-ask the question. "This amendment
13 failed" means that -- strike that.

14 Was there any amendment that passed, any
15 amendment to SB14 that passed that permitted a waiver of
16 fees for obtaining documents necessary to get an
17 election identification certificate?

18 A. I don't know.

19 Q. If an election identification certificate being
20 free is a reason that SB14 is compliant with the Voting
21 Rights Act, why should the underlying documents not be
22 free?

23 MR. SCOTT: Objection; form, vague.

24 You can answer, if you can.

25 A. I don't -- I don't know why they shouldn't be.

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1 Q. (BY MR. SHORDT) Do you think they should be?

2 MR. SCOTT: Objection; form.

3 A. To be in compliance with the Voting Rights Act?

4 Q. (BY MR. SHORDT) In general, do you think that
5 if an individual wants to obtain an EIC and they do not
6 possess, for example, a birth certificate, should that
7 person have to pay for a birth certificate in order to
8 get a free election identification certificate to vote
9 under SB14?

10 A. I really don't know. I don't know -- I don't
11 know what a -- what the cost of a birth certificate is.

12 Q. At the time, I can represent to you I believe
13 the cost of a birth certificate was \$22 when SB14 was
14 passed.

15 Would an individual who did not have the
16 requisite photo identification to vote under SB14 have
17 to pay \$22 to get a birth certificate in order to then
18 get what is deemed to be a free election identification
19 certificate in order to vote?

20 MR. SCOTT: Objection; form, foundation.

21 Q. (BY MR. SHORDT) You can answer.

22 A. I guess a matter of opinion. I don't -- is
23 this for a replacement birth certificate or somebody
24 that doesn't have one?

25 Q. For either.

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1 MR. SCOTT: Objection; form, foundation.

2 Q. (BY MR. SHORDT) If you think there's a
3 distinction, then you can --

4 A. I do. I think there's a distinction,
5 personally. It's just my opinion.

6 Q. Okay, for replacement?

7 A. I think for replacement, I think -- I don't
8 think you should have -- I think you should have to pay
9 for it.

10 Q. And if they did not have a birth certificate?

11 A. Then that may be a different matter. But I
12 don't know who doesn't have one.

13 Q. Do you believe that everybody in Texas has a
14 birth certificate?

15 MR. SCOTT: Objection; form, foundation.

16 A. I don't -- I don't know how -- I don't know how
17 other states deal with birth certificates or how that
18 works.

19 Q. (BY MR. SHORDT) Do you believe that every
20 person born in the state of Texas was issued a birth
21 certificate when they were born?

22 A. I would doubt that everyone, no. But I don't
23 know. I don't know how that works.

24 Q. Do you -- one second.

25 So just to be clear, I want to make sure I

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1 understand your answer. You don't know if every person
2 born in the state of Texas -- is it your --

3 MR. D'ANDREA: Objection; asked and
4 answered.

5 MR. SCOTT: I thought you were finished
6 with the question.

7 Q. (BY MR. SHORDT) I will restate the question.

8 Is it your testimony that you do not know
9 if an individual born in Texas is issued a birth
10 certificate?

11 A. I would assume they should be.

12 Q. Do you have any reason to believe that there
13 are individuals in Texas --

14 A. I don't.

15 Q. -- who do not have birth certificates?

16 A. I don't. I don't know anything about it.

17 Q. You don't know anything about it?

18 A. I don't know how birth certificates are -- are
19 issued.

20 Q. Do you know what the unemployment rate in Texas
21 was when SB14 was debated in 2011?

22 A. No, I don't.

23 Q. Do you know what the average poverty level was
24 in Texas in 2011?

25 A. I don't.

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1 Q. Do you know what the minimum wage was in Texas
2 in 2011 when SB14 was debated?

3 A. I don't recall.

4 Q. Do you understand that -- let me ask this.

5 You said earlier you had not read or
6 analyzed any of the -- the opinions issued with respect
7 to Texas vs. Holder. Is that right?

8 A. That's correct.

9 Q. Did you read or review any -- the Crawford vs.
10 Marion County Supreme Court opinion?

11 A. No.

12 Q. Are you aware that that Supreme Court case
13 requires states to undertake a burden analysis when
14 passing photo identification laws to vote?

15 MR. SCOTT: Objection; form, foundation,
16 mischaracterization.

17 Q. (BY MR. SHORDT) You can answer.

18 A. No.

19 Q. What do you think -- how would you define a
20 burden, economic burden, on an individual to vote in
21 Texas?

22 A. I wouldn't know how to define it.

23 Q. Do you think that requiring an individual to
24 pay \$22 to get a birth certificate in order to get a
25 free election identification certificate constitutes a

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1 burden on their right to vote?

2 MR. SCOTT: Objection; form,

3 mischaracterization of the evidence.

4 A. It could be.

5 Q. (BY MR. SHORDT) Can you elaborate? What do

6 you mean "it could be"?

7 A. Well, could it be a burden, yes, it could be a

8 burden.

9 Q. In what way?

10 A. To pay money.

11 Q. Do you know -- do you know how many Texans use

12 public transportation?

13 A. I don't.

14 Q. I assume the answer is true, isn't that in 2011
15 when SB14 was debated?

16 THE REPORTER: I'm sorry. Can you
17 repeat it again?

18 A. I don't -- I don't know the answer.

19 THE REPORTER: Can you repeat the question
20 again?

21 Q. (BY MR. SHORDT) I assume that that is the same
22 answer as to when SB14 was debated in 2011.

23 THE REPORTER: And your answer?

24 A. I don't know.

25 Q. (BY MR. SHORDT) How far is your polling

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1 location from your House?

2 A. The early voting or the same day -- or the
3 election-day voting.

4 Q. We'll start with early voting.

5 A. Closest one is probably, I'd guess, within
6 2 miles, within 3 miles.

7 Q. And what about same day?

8 A. Oh, it's within -- within a mile and a half.

9 Q. And I apologize if you asked -- if Mr. Dunn
10 asked this question earlier, but how far is the driver's
11 license bureau from your home?

12 A. Well, I don't know where the closest one is
13 anymore. I'd say probably, I'm guessing, 6 or 7 miles
14 maybe.

15 Q. Do you drive when you go to get -- to get your
16 driver's license renewed?

17 A. Yes.

18 Q. Are there counties in Texas where the driver's
19 license office might be more than 50 miles from where an
20 individual lives?

21 A. I would assume so, yes.

22 Q. Do you know what the average gallon of gas
23 costs right about now?

24 A. Average?

25 Q. Yeah.

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1 A. Well over \$3.

2 Q. So if you were to drive 100 miles round-trip
3 from your home to the driver's license bureau, get an ID
4 and return, that would cost 10 or 15 dollars, probably?

5 MR. SCOTT: Objection; form, relevance.

6 Q. (BY MR. SHORDT) You can answer.

7 A. How many miles?

8 Q. Say 100 miles round-trip.

9 A. Wouldn't cost me that much. But it depends on
10 the car you drive, I suppose.

11 Q. Would it cost more than \$5?

12 A. Oh, yeah.

13 Q. When -- do you think that it's a burden -- you
14 mentioned earlier that you waited longer than you wanted
15 to in the driver's license line, about an hour, to get a
16 driver's license.

17 Are you aware of any studies that have
18 analyzed driver's license bureau wait times?

19 A. I vaguely recall there were some done, but I
20 don't -- I don't remember them.

21 Q. You don't remember specifics of what the wait
22 time might be?

23 A. I don't.

24 Q. How long do you think a wait time at a -- to
25 get your driver's license should be? What's reasonable?

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1 Certainly less than an hour. Would two hours be
2 unreasonable?

3 MR. SCOTT: Objection; form, foundation.

4 Q. (BY MR. SHORDT) You can answer.

5 A. Two hours be unreasonable?

6 Q. Correct.

7 A. It would be unfortunate, yes.

8 Q. Would it be unreasonable?

9 MR. SCOTT: Objection; form, foundation.

10 A. I think it's unnecessary.

11 Q. (BY MR. SHORDT) Do you think that -- if an
12 individual had to pay for a 100-mile round-trip drive to
13 the driver's license bureau after having paid up to \$22
14 for a birth certificate to get what is a free election
15 identification certificate, would you consider that to
16 be a burden?

17 MR. D'ANDREA: Objection; mischaracterizes
18 the record.

19 MR. SCOTT: Objection; form, foundation.

20 Q. (BY MR. SHORDT) You can answer.

21 A. Would it be a burden?

22 Q. Earlier you testified --

23 A. It would be an expense, yes. It would be
24 expensive --

25 Q. Earlier you testified -- sorry to cut you off.

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1 Earlier you testified that there could be
2 different burdens on an individual. If a person was
3 below the poverty line, would paying for gas for that
4 round-trip and would paying for an underlying document
5 for an election identification certificate constitute a
6 burden, in your mind?

7 MR. SCOTT: Objection; form, asked and
8 answered.

9 A. Yes.

10 Q. (BY MR. SHORDT) Do you know how long the lines
11 are to -- strike that.

12 Are you aware of any analysis or reports
13 addressing wait times at polling locations in Texas?

14 A. No.

15 Q. Do you understand -- or are you aware of any
16 instances where individuals will have to wait in excess
17 of one hour to vote?

18 A. Heard of that, yes.

19 Q. Can you tell me where -- when you heard about
20 that?

21 A. No. Just news reports. I haven't had to wait
22 an hour.

23 Q. Would those have been recent elections?

24 A. I don't remember.

25 Q. Do you know if there were waits at poles in

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1 excess of two hours?

2 A. I don't know.

3 Q. But you have heard of waiting at an election --
4 or waiting in line in order to vote at election time?

5 A. Yes.

6 Q. Do you think that it's a burden for an
7 individual who might -- do you think it's a burden for
8 an individual to have to wait longer than one hour to
9 vote?

10 MR. SCOTT: Objection; form, foundation,
11 vague.

12 A. Yes.

13 Q. (BY MR. SHORDT) Are you aware or do you know
14 if minorities in Texas constitute the majority of
15 individuals who live at or below the poverty line?

16 A. I think that's probably correct.

17 Q. What's the basis of your understanding?

18 A. Just recollection of seeing that information.

19 Q. Do you recall if -- if the relative poverty
20 level of minorities in Texas was addressed during the
21 SB14 debate?

22 A. I don't recall.

23 Q. Have you ever asked for that information?

24 A. No.

25 Q. Have you discussed that with other members or

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1 senators?

2 MR. D'ANDREA: Privileged.

3 A. I don't recall discussing it, no.

4 Q. (BY MR. SHORDT) So do you recall -- strike
5 that.

6 Your testimony is that you do not recall,
7 during SB14, whether the poverty -- whether the poverty
8 level of minorities in Texas of Texas voters was
9 discussed?

10 MR. D'ANDREA: Privileged.

11 MR. SCOTT: Objection; asked and answered.

12 A. I imagine it has -- it was.

13 Q. (BY MR. SHORDT) As -- at the time SB14 was
14 debated in 2011, were you aware of any specific
15 incidents of in-person voter fraud?

16 A. No.

17 Q. In Texas?

18 A. No.

19 Q. Anywhere in the United States?

20 A. I'm not aware.

21 Q. And so I understand your testimony, you are not
22 aware of a single instance of voter fraud that's ever
23 occurred in Texas involving the use of a student
24 identification card?

25 A. Not aware, no.

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1 EXAMINATION

2 BY MR. SCOTT:

3 Q. Mr. Speaker --

4 MR. SCOTT: Are y'all --

5 MR. SHORDT: I have no more questions.

6 MR. SCOTT: May I clear something up?

7 MR. SHORDT: Yeah.

8 Q. (BY MR. SCOTT) Let me hand you what's been
9 marked as Exhibit 7 to your deposition. What we know
10 is, that document didn't come from the 2011 session,
11 correct? Make sure.

12 A. 2011 instead of 2010.

13 Q. So unless somebody had a time machine, this
14 wouldn't have been something somebody was able to
15 consider during the 2011 consideration of SB14 as far as
16 talking points for getting democratic support for the
17 bill, correct?

18 A. Yeah. It says 2011 instead of 2010, so it
19 had -- it had to be later.

20 Q. It had to have been before 2011 session, which
21 would have been the 82nd session, correct?

22 A. I would assume so, yes.

23 Q. Okay. With regards to rules, early on in your
24 deposition you and Mr. Dunn spoke a little bit about
25 legislative rules.

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1 A. I don't remember seeing it.

2 Q. And you don't know who prepared it?

3 A. Don't.

4 Q. So you have absolutely no idea what year this
5 is from?

6 A. I don't know anything about it.

7 MR. SHORDT: Thank you. That's all.

8 MR. DUNN: Nothing further from me.

9 MR. GEAR: Actually I have one follow-up
10 question.

11 THE WITNESS: Yeah.

12 FURTHER EXAMINATION

13 BY MR. GEAR:

14 Q. Regarding the rules, isn't it true that there
15 are some time-honored rules that are revisited every
16 session?

17 A. Yeah. I mean, the rules -- the rules don't
18 drastically change necessarily from session to session.

19 Q. And isn't it also true that the two-thirds rule
20 was considered a time-honored rule until 2009?

21 MR. D'ANDREA: Objection; mischaracterizes
22 the record.

23 A. That's a Senate rule, and I -- I don't --
24 that's their business.

25 MR. SCOTT: Nothing further.